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Changes to Inverter Standard - AS/NZS 4777.2:2020

24 September 2021

From 18 December 2021, the AS/NZS 4777.2 standard for inverters will change. The AS/NZS 4777.2:2015 version will be superseded by the AS/NZS 4777.2:2020 version, meaning all inverters installed from this date will need to meet the new inverter standard.

Information for agents and installers

We are currently in a transition period where both versions of the standard for inverters may be installed and eligible for small-scale technology certificates (STCs). However, from 18 December 2021, installed inverters that meet the 2015 version of the standard will not be eligible for STCs under the Small-scale Renewable Energy Scheme (SRES).

Registered persons, agents, retailers and installers are encouraged to manage their inverter stock carefully. All inverters installed from 18 December 2021 must be listed as 2020 compliant on the Clean Energy Council's list of approved inverters to receive STCs.

Agents must also ensure they are updating their processes to assure themselves inverters meet all STC eligibility requirements. You must ensure you are collecting and recording correct information for eligible inverters.

Installers and retailers should check with their suppliers to confirm which standard their inverters meet, and be able to provide you with this information. You must ensure the new inverter standard is met to avoid the improper creation of STCs.

Please visit our website for further information about your [responsibilities as an agent, expected capabilities and standards of practice](#).

Inverters that meet the new standard are now being listed on the Clean Energy Council's [list of approved inverters](#) and agents are encouraged to check the list regularly for product expiry dates. Please ensure the inverter model number is listed exactly as recorded on the Clean Energy Council product list when submitting STC claims in bulk to avoid any errors. Agents should also refer to our email correspondence sent on [x date] for more information.

If you have any further questions on the new standard you can contact the [Clean Energy Council](#), or contact the Clean Energy Regulator on 1300 553 542 or by email at enquiries@cleanenergyregulator.gov.au.

Information about large-scale solar system accreditation

The inverter standard will affect all applicants seeking the accreditation of photovoltaic (PV) solar systems as power stations in the Large-scale Renewable Energy Target (LRET).

Section 14 of the [Renewable Energy \(Electricity\) Act 2000](#) read in conjunction with regulation 4 of the [Renewable Energy \(Electricity\) Regulations 2001](#) specifies that electricity generation systems must be operated in accordance with any relevant Commonwealth, state, territory or local government planning and approval requirements in order to be eligible for accreditation as a power station.

Included in requirements, power station applicants must provide the Clean Energy Regulator with a copy of the electrical safety certificate issued by the licensed electrician for their system. The electrician should ensure all aspects of the installation comply with relevant standards. This means that inverters being installed in large-scale PV solar systems from 18 December 2021 onward must meet AS/NZS 4777.2:2020.

National regulators have allowed a transition period where inverters that meet both revisions of the Australian Standard may be covered by an electrical safety certificate issued by a licensed electrician. Solar retailers and installers are encouraged to ensure their inverter stock meets the 2020 standard before the 18 December 2021 deadline.

Intending owners of large-scale PV solar systems should check that their installer will install 2020 compliant inverters before they finalise their purchase. Please refer to the Clean Energy Council's [list of approved inverters](#) for products compliant with AS/NZS 4777.2:2020.

Please see our [power station eligibility requirements](#) webpage for more information, or contact us by phone on 1300 553 542 or email enquiries@cleanenergyregulator.gov.au.



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Registered agent responsibilities, expected capabilities and standards of practice

14 February 2022

RET

As a [registered agent](#), you must comply with legal obligations under the Small-scale Renewable Energy Scheme (SRES), including:

- [the !\[\]\(97faa0168e491544be255cfcab218e9b_img.jpg\) Renewable Energy \(Electricity\) Act 2000](#)
- [the !\[\]\(b2166b76608b8499cffc130bf1b1fe60_img.jpg\) Renewable Energy \(Electricity\) Regulations 2001](#)
- [the !\[\]\(b29da0f81af7d31816596405aed0e378_img.jpg\) Renewable Energy \(Electricity\) Amendment \(Small-Scale Renewable Energy Scheme Reforms and Other Measures\) Regulations 2021, and](#)
- [any other relevant climate change law as defined in the !\[\]\(52b4a21f1e75ded8f9710f4114e70d28_img.jpg\) Clean Energy Regulator Act 2011.](#)

In addition to legal obligations, registered agents are expected to have certain capabilities that make them fit and proper to participate in the scheme.

[Fit and proper person \(FPP\) assessments](#) are a key control to protect the integrity of the schemes administered by the Clean Energy Regulator. They include an assessment of whether the relevant person (or its officers) have the necessary skills, capability and competency, business practices and good character that would reasonably be expected of a participant in our schemes.

Registered agents must also complete SRES Smart, an online program with a series of modules, knowledge checks and a self-assessment tool to show they understand the expected capabilities and standards of practice necessary to participate in the scheme.

For registered agents in the SRES, the below information clarifies what capabilities and practices we consider essential to remain 'fit' to participate in the scheme. We may request information from prospective and existing participants regarding these capabilities and practices. Registered agents create a large volume of small-scale technology certificates (STCs) and their suitability to participate in the scheme is of particular interest to the agency.

Expected capabilities and standards of practice for registered agents

Documented procedures and records

Registered agents must have:

1. Documented procedures to prevent the improper creation of STCs. These procedures should include steps to actively verify that:
 - the stated solar photovoltaic panels are valid and relevant system components are on the Clean Energy Council's (CEC) approved PV module and inverter lists

- systems are only designed and installed by CEC accredited persons and in accordance with current CEC design guidelines, and install and supervise guidelines for accredited installers
 - the installation meets relevant Australian standards
 - the installation occurred at the listed address
 - duplicate claims are never made for panels or system components, or for the same address.
2. A record keeping system to collect, secure and store (for at least five years) documents that assure the credibility of, and support the creation of each STC.
 3. A documented procedure to report to the Clean Energy Regulator, within 72 hours, any improper STC creation
 4. The ability to provide these procedures and records, on request, to us.

Best practice standards

Registered agents are also expected to apply best practice standards to protect themselves and their customers, including through:

1. Maintaining up-to-date knowledge and ensuring business practices meet their responsibilities under relevant legislation, including (but not limited to):
 - [Renewable Energy \(Electricity\) Act 2000](#), and associated regulations
 - guidance and policies of the Clean Energy Regulator, including email alerts and updates
 - taxation law and GST treatment of STCs
 - Australian Securities & Investments Commission requirements relating to Australian Financial Services licenses and business practices
 - Australian and state and territory consumer protection laws relevant to your business.
2. Providing customers and installers with clear information about the scheme, particularly the eligibility requirements for the creation of certificates, and guiding them through the process of assigning the right to create certificates.
3. Identifying their business risk and exposure to third party fraud and applying due diligence in checking the background and capabilities of business partners, contractors and clients.
4. Maintaining a training and monitoring system that ensures all staff follow procedures to ensure proper creation of STCs.

Useful resources

- The [REC Agents Association \(RAA\)](#) is an industry body dedicated to promoting best practice amongst Australian REC Agents. They have also developed [comprehensive information](#) to help agents understand GST and STCs.
 - The Australian Taxation Office has issued [guidelines](#) on GST and STCs.
 - The Australian Securities and Investment Commission has guidance related to requirements for [Australian Financial Services Licenses](#).
 - The [Australian Competition and Consumer Commission](#) has good starting information on Australian consumer law. You should also check on state and local laws.
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Compilation date: 10 March 2016

Includes amendments up to: Act No. 4, 2016

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About this compilation

This compilation

This is a compilation of the *Renewable Energy (Electricity) Act 2000*

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Application, saving and transitional provisions for provisions

If the operation of a provision or amendment of the compiled law saving or transitional provision that is not included in this compilation endnotes.

Editorial changes

For more information about any editorial changes made in this compilation

Modifications

If the compiled law is modified by another law, the compiled law modification does not amend the text of the law. Accordingly, this compilation shows the compiled law as modified. For more information on any modifications, see the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act for the establishment and administration of a scheme to encourage additional electricity generation from renewable energy sources, and for related purposes

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Outline

The objects of this Act are:

- (a) to encourage the additional generation of electricity from renewable energy sources; and
- (b) to reduce emissions of greenhouse gases;
- (c) to ensure that renewable energy sources

This is done through the issuing of certificates for eligible renewable energy sources and requiring certain *entities* to surrender a specified number of certificates acquired during a year.

Where a liable entity does not have enough certificates, it will have to pay renewable energy shortfall charge.

An exemption relating to one or more emissions-instances may be taken into account in working out a liable entity's certificate shortfall for a year. If it is, it will reduce the shortfall charge otherwise payable.

to which this Act applies

This Act applies to the year commencing on 1 January 2001. However, no certificates can be created, and no liability for shortfall charges generated on or after 1 January 2031.

Definitions

- (1) In this Act, unless the contrary intention appears:

1997 eligible renewable power baseline has the mea

2008 WCMG limit has the meaning given by section

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air source heat pump water heater means a device in a cycle incorporating a compressor, an evaporator that absorbs sensible heat of the atmosphere and a condenser that transfers heat indirectly to a hot water storage container.

arrangement means:

- (a) any agreement, arrangement, understanding, promise, express or implied and whether or not enforceable, or by legal proceedings; and
- (b) any scheme, plan, proposal, action, course of action

assessment year's reduced acquisitions has the meaning given by

Australia, when used in a geographical sense, includes

authorised Commonwealth contractor means a person

- (a) provides, or proposes to provide, services to the Commonwealth and
- (b) is authorised, in writing, by the Regulator for that purpose

carried forward shortfall has the meaning given by section 30

carried forward surplus has the meaning given by section 30

certificate means a renewable energy certificate.

civil penalty order has the meaning given by subsection 30(1)

civil penalty provision means a provision declared by the Regulator to be a civil penalty provision.

clearing house has the meaning given by section 30

clearing house price has the meaning given by section 30

clearing house transfer list has the meaning given by section 30

constitutional corporation means a corporation to which the Constitution applies.

CSC (short for Commonwealth Superannuation Corporation)

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prevent environmental degradation;

- (c) the principle of inter-generational equity, which should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;
- (d) the conservation of biological diversity and ecological sustainability as a fundamental consideration in decision-making;
- (e) improved valuation, pricing and incentive mechanisms.

electricity generation return has the meaning given by section 10.

electronic signature of a person means the person's signature in electronic form that is approved by the Regulator under section 10.

eligible energy sources means:

- (a) eligible renewable energy sources; or
- (b) eligible WCMG.

eligible renewable energy source has the meaning given by section 10.

eligible WCMG has the meaning given by section 10.

emissions-intensive trade-exposed activity means an activity that is made for the purposes of this definition.

energy acquisition statement has the meaning given by section 10.

engage in conduct means:

- (a) do an act; or
- (b) omit to do an act.

executive officer of a body corporate means:

- (a) a director of the body corporate; or
- (b) the chief executive officer (however described); or
- (c) the chief financial officer (however described); or
- (d) the secretary of the body corporate.

exemption, in relation to a liable entity, means an exemption under section 38B, that is used in working out the entity's small-scale technology shortfall for the year.

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fourth quarter has the meaning given by section 38.

general interest charge rate, for a day, is the rate that applies for that day for the purposes of the *Taxation Administration Act 1953*.

government body means the Commonwealth, a State or Territory, a Commonwealth or of a State or Territory.

GST has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* (including as provided by section 177-1 of that Act).

Note: Section 177-1 of the *A New Tax System (Goods and Services Tax) Act 1999* provides for the Commonwealth's notional liability to pay GST.

GST inclusive clearing house price has the meaning given by section 38.

GWh means gigawatt hour.

interest charge means the charge payable under section 38.

kW means kilowatt.

large-scale generation certificate means a certificate issued under Division 4 of Part 2.

Note: These certificates relate to generation of electricity listed in section 38.

large-scale generation shortfall has the meaning given by section 38.

large-scale generation shortfall charge has the meaning given by section 38.

large-scale generation shortfall statement has the meaning given by section 38.

liable entity has the meaning given by section 35.

monitoring warrant means a warrant issued under section 38.

MW means megawatt.

MWh means megawatt hour.

National Electricity Rules means the National Elect to time, made under the National Electricity Law set *Electricity (South Australia) Act 1996* of South Aust

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apparent control of the premises.

offence against this Act includes:

- (a) an offence against the regulations; and
- (b) an offence against section 134.1, 134.2, 135.1, 1 of the *Criminal Code* that relates to this Act or

official of the Regulator has the same meaning as in 2011.

outstanding renewable energy shortfall charge rel particular time means a renewable energy shortfall c

- (a) that has arisen at or before that time (whether or time); and
- (b) an amount of which has not been paid before th

penalty charge means the charge payable under Part

premises includes the following:

- (a) a structure, building or vehicle;
- (b) a place (whether enclosed or built on or not);
- (c) a part of a thing referred to in paragraph (a) or (

previous year's reduced acquisitions has the meani

Note: See also sections 38AF, 38AG and 38AH.

produce includes permit access to.

quarter has the meaning given by section 38AA.

quarterly shortfall has the meaning given by section

quarterly surplus has the meaning given by section

registered person means a person registered under I

register of accredited power stations has the meaning

register of applications for accredited power station

section 141A.

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regulator means the Clean Energy Regulator.

relevant acquisition has the meaning given by section

renewable energy certificate means a large-scale geothermal technology certificate.

renewable energy shortfall charge means large-scale or small-scale technology shortfall charge.

renewable energy shortfall charge related liability:
Commonwealth (including a liability the amount of which is being:

- (a) renewable energy shortfall charge; or
- (b) interest charge; or
- (c) penalty charge.

renewable energy shortfall statement means a large-scale or a small-scale technology shortfall statement.

renewable power percentage means the percentage of

required GWh of renewable source electricity has the meaning

required large-scale renewable energy has the meaning

required surrender amount has the meaning given in section

second quarter has the meaning given by section 38

senior employee, in relation to an authorised Commonwealth employee of the contractor, where the skills and responsibilities of the employee are equivalent to, or exceed, the skills and responsibilities of one of the senior officers of the Regulator.

senior officer of the Regulator means a person who:

- (a) is a member of the staff of the Regulator; and
- (b) either:

- (i) is an SES employee or acting SES employee;
- (ii) holds or performs the duties of an Executive position.

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clearing house.

small-scale technology percentage has the meaning

small-scale technology shortfall has the meaning gi

small-scale technology shortfall charge has the me:

small-scale technology shortfall statement has the r

solar water heater means a device that heats water u
conditions set out in the regulations.

staff of the Regulator has the same meaning as in th

stakeholder, in relation to an accredited power static

(a) a person who operates the power station (wheth
more other persons); or

(b) a person who owns all, or a part, of the power st
with one or more other persons).

surrendered amount has the meaning given by secti

surrender instrument has the meaning given by sub

surrender period has the meaning given by section :

taxable supply has the same meaning as in the *A Ne
Tax) Act 1999* (including as provided by section 177

Note: Section 177-1 of the *A New Tax System (Goods and
Commonwealth's notional liability to pay GST.*

third quarter has the meaning given by section 38A

warrant premises, in relation to a monitoring warrant
warrant relates.

- (2) For the purposes of this Act, electricity is taken to be

- (3) The Regulator may, in writing, approve an electronic definition of *electronic signature* in subsection (1).

de Crown

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eductibility

To avoid doubt, a charge or penalty under this Act is :
of any law dealing with income tax.

itutional basis

To the extent that this Act applies in relation to a cons:
of this Act is based on the following legislative pow

- (a) the legislative power that the Commonwealth P:
paragraph 51(xx) of the Constitution;
- (b) any other legislative power that the Commonwe
Constitution.

inity from State laws

A constitutional corporation need not comply with an
corresponds to this Act.

–Renewable energy certificates

1—Preliminary

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generation of electricity by accredi

- (b) small-scale technology certificates, and
installation of solar water heaters a

The certificates are used to avoid or reduce the amount of greenhouse gas emissions that liable entities who acquire electricity have. Liable entities generally acquire the certificates by purchasing the

The certificates are created by people who generate electricity at power stations using eligible energy sources where the amount of eligible energy exceeds the relevant 1997 eligible renewable power base line. The certificates are also created by approved installations of solar water heaters or sma

A person needs to be registered under Division 2 b

Division 2A provides for provisional accreditation

A power station needs to be accredited under Division 2A. The certificates are issued in relation to power generated by it.

A certificate must be registered when it is created. The person who creates the certificate must also be registered.

When a certificate has been surrendered by a liable

See also Part 2A (clearing house for small-scale tec

- (a) provides a clearing house facility for the trading of small-scale technology certificates; and
(b) gives the Regulator a limited power to surrender small-scale technology certificates.

2—Registration of persons

in register

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- (2) The application must:
- (a) be made in a form and manner required by the F
 - (b) contain any information required by the Regula
 - (c) be accompanied by any documents required by
 - (d) be accompanied by the fee (if any) prescribed b
- applications for registration.

ator to refuse or approve application

- (1) If the Regulator receives an application that is proper
Regulator must:
- (a) approve the application; or
 - (b) refuse the application.
- (2) The Regulator may refuse the application if the Regu
not a fit and proper person.
- (2A) For the purposes of subsection (2), in determining wh
proper person, the Regulator:
- (a) must have regard to the matters specified in regi
this subsection; and
 - (b) may have regard to such other matters (if any) a
- (3) The Regulator must refuse the application if the Reg
has previously been a registered person.

ator to allocate registration numbers

If the Regulator approves an application, the Regulat
unique registration number and advise the applicant

2A—Provisional accreditation of power stations

Application for provisional accreditation of a power station

Renewable Energy (Electricity) Act 2000



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- (b) specify the proposed components; and
- (c) list the eligible energy sources from which power would be generated;
- (d) contain any other information required by the Regulator;
- (e) be accompanied by any documents required by the Regulator;
- (f) be accompanied by the fee (if any) prescribed by the Regulator for applications for provisional accreditation.

Regulator may give provisional accreditation

- (1) If:
- (a) the Regulator receives an application that is proposed to be a power station for the purposes of this Act;
 - (b) the Regulator is satisfied that some or all of the proposed components would, if assembled, be a power station for the purposes of this Act, the Regulator must, by written notice given to the applicant, specify:
 - (c) specify which of those proposed components (the proposed components) would, if assembled, be a power station for the purposes of this Act;
 - (d) specify that, if an application is properly made to the Regulator for a power station:
 - (i) the Regulator will determine that the proposed components are taken to be a power station for the purposes of this Act if the Regulator is satisfied that they are not materially different from the proposed components; and
 - (ii) the power station will be eligible for accreditation if the Regulator is satisfied.

Refusal

- (2) If:
- (a) the Regulator receives an application that is proposed to be a power station for the purposes of this Act;
 - (b) the Regulator is not satisfied that some or all of the proposed components would, if assembled, be a power station for the purposes of this Act;

the Regulator must, by written notice given to the a

Regulations

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(b) if, before the end of that period, the Regulator a
period—that longer period.

(2) If the Regulator has not decided the application with
subsection (1), the Regulator is taken, at the end of t
under section 12B refusing the application.

3—Accreditation of eligible power stations

Application for accreditation

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- (2) The application must:
- (a) be made in a form and manner required by the F
 - (b) specify those components of the system that the power station; and
 - (baa) specify each other person (if any) who:
 - (i) operates those components (whether alone persons); or
 - (ii) owns all, or a part, of those components (with more other persons); and
 - (bab) list:
 - (i) the eligible energy sources from which power
 - (ii) the estimated average annual output of each subparagraph (i); and
 - (c) contain any other information required by the R
 - (d) be accompanied by any documents required by
 - (e) be accompanied by the fee (if any) prescribed by applications for accreditation; and
 - (f) be accompanied by a statement in writing from under paragraph (baa) indicating that the other application.
- (2A) An application that lists eligible WCMG as an eligible is intended to be generated cannot be made after the for the purpose of this subsection.
- (3) The Regulator must enter details of the application of accredited power stations.

Regulator to determine certain matters

- (1) If the Regulator receives an application that is proper Regulator must:

- (a) determine which components of the system are :
the purposes of this Act; and
- (b) determine whether the power station is eligible :

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the Regulator must determine, under paragraph (1)(a) the components specified in the application under section 12 for the purposes of this Act.

- (2) A power station is eligible for accreditation if:
 - (a) some or all of the power generated by the power station is from an eligible energy source; and
 - (b) the power station satisfies any prescribed requirements.
- (2A) However, a power station is not eligible for accreditation if it has been determined under paragraph (1)(a) that the power station does not meet the requirements specified in the application.
- (3) If the Regulator determines that the power station is eligible for accreditation, the Regulator must also determine:
 - (a) the **1997 eligible renewable power baseline** for the power station;
 - (b) any energy sources used by the power station that are not eligible energy sources; and
 - (c) if some or all of the power generated by the power station is from a prescribed energy source, the **WCMG**—the **2008 WCMG limit** for the power station.

Note: The 1997 eligible renewable power baseline or the 2008 WCMG limit may be varied: see Division 12.
- (4) The Regulator must determine the matters specified in paragraph (3) in accordance with guidelines prescribed in the regulations.
- (5) To avoid doubt:
 - (a) the regulations may provide that a power station is eligible for accreditation if it is integral to the operation of the power station or the power station is integral to the operation of the power station; and
 - (b) the 1997 eligible renewable power baseline for a power station is the 1997 eligible renewable power baseline for the power station.

ator to approve or refuse application

If the Regulator determines that a power station is eli
Regulator must approve the application. In any othe

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- (a) the period of 6 weeks beginning on the day the]
or
(b) if, before the end of that period, the Regulator a
period—that longer period.

- (2) If the Regulator has not decided the application with
subsection (1), the Regulator is taken, at the end of t
under section 15 refusing the application.

Applications that list eligible WCMG as an eligible

- (3) If an application that is properly made under section
eligible energy source from which power is intendec
must decide the application before the end of the pe
referred to in subsection 13(2A).
- (4) If the Regulator does not decide the application on o
taken, on the following day, to have made a decisior
application.

inated person for power station

If the Regulator approves an application, the applicar
the accredited power station.

Note: The nominated person for the power station is able t
by the power station: see section 18. The nominated

ator to allocate identification codes

If the Regulator approves an application, the Regulat
unique identification code and advise the applicant c

is an *eligible renewable energy source*?

- (1) The following energy sources are *eligible renewable*

- (a) hydro;
- (b) wave;
- (c) tide;

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- (k) agricultural waste;
 - (l) waste from processing of agricultural products;
 - (m) food waste;
 - (n) food processing waste;
 - (o) bagasse;
 - (p) black liquor;
 - (q) biomass-based components of municipal solid waste;
 - (r) landfill gas;
 - (s) sewage gas and biomass-based components of sewage;
 - (t) any other energy source prescribed by the regulations.
- (2) Despite subsection (1), the following energy sources are not eligible WCMG:
- (a) fossil fuels;
 - (b) materials or waste products derived from fossil fuels.

Regulations

- (3) For the purposes of this Act, the regulations may provide that a reference in subsection (1) or (2) has the meaning prescribed by the regulations.
- (4) For the purposes of this Act, the regulations may make provision for limiting the meaning of an energy source referred to in subsection (1) or (2).
- (5) For the purposes of this Act, the regulations may make provision for extending the meaning of an energy source referred to in subsection (1) or (2).

What is eligible WCMG?

- (1) Waste coal mine gas is **eligible WCMG** if:
 - (a) the waste coal mine gas is used in the generation of electricity during the period:
 - (i) starting on the day prescribed by the regulations;
 - (ii) ending on the day prescribed by the regulations;
 - (b) the waste coal mine gas is used in the generation of electricity during the period:
 - (i) starting on the day prescribed by the regulations;
 - (ii) ending on the day prescribed by the regulations;

- (ii) ending on 31 December 2020; and
- (b) either:
 - (i) the power station was generating electricity;

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are meaning prescribed by the regulations.

- (3) For the purposes of this Act, the regulations may prescribe those in subsection (1) that apply in order for waste *WCMG*.
- (4) If the regulations do not prescribe a day for the purpose waste coal mine gas is eligible *WCMG*.

4—Creation of renewable energy certificates

Division AA—Preliminary

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generation of electricity by accredited power stations (Subdivision A); and

- (b) small-scale technology certificates, including certificates for the installation of solar water heaters and solar water pumps (Subdivisions B and BA).

Small-scale technology certificates can also be created under Part 2A (clearing house for small-scale technology certificates).

Subdivision B requires people who create certificates to submit returns relating to the creation of the certificates.

Subdivision C contains offence and civil penalty provisions relating to the creation of certificates.

Division A—Large-scale generation certificates for accredited power stations

Large-scale generation certificates

Certificates created under this Subdivision are large-scale generation certificates.

Large-scale generation certificates for additional renewable electricity

- (1) The nominated person for an accredited power station must create 1 certificate in respect of the whole MWh of electricity generated by the power station in a year or part of a year, less the whole MWh of electricity generated by the power station in the same year or part of a year of the power station's 1997 eligible renewable power generation capacity.
- (1A) A certificate must not be created in respect of a whole year or part of a year partly in 1 year and partly in the following year.
- (2) If the amount of electricity generated by an accredited power station in a year or part of a year is in excess of the power station's 1997 eligible renewable power generation capacity but greater than or equal to 0.5 MWh, the nominated person may create 1 certificate in respect of the electricity generated in excess of the power station's 1997 eligible renewable power generation capacity.

(3) The amount of electricity generated by an accredited person in accordance with the regulations.

(4) Electricity is to be excluded from all calculations under this section.

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during any period of suspension of the person's registration.

certificates may be created

A certificate may be created at any time after the generation of electricity in relation to which it is created and before:

- (a) the end of the year after the year of generation; or
- (b) any later day allowed by the Regulator.

Note: For offences and civil penalties related to the creation of a certificate, see section 100.

Electricity generation return

- (1) The nominated person for an accredited power station must provide a return for a year to the Regulator on or before:
 - (a) 14 February in the following year; or
 - (b) any later day allowed by the Regulator.
- (2) The return must include details of:
 - (a) the amount of electricity generated by the power station during the year;
 - (b) the amount of that electricity that was generated during the year;
 - (c) the number of certificates created during the year and the amount of electricity generated by the power station during the year;
 - (ca) the number of certificates created during the year and the amount of electricity generated by the power station during the previous year;
 - (d) any other information specified by the regulations.

Amending electricity generation returns

- (1) The Regulator may amend an electricity generation return if the accredited power station concerned requests, in writing, within 3 months of the return being given.
- (2) The Regulator may also amend an electricity generation return if the amendment is made within 4 years of the return being given.

- (3) If the Regulator refuses to amend an electricity generation certificate issued to a nominated person for an accredited power station, the Regulator must do so accordingly.

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after the heater is installed.

Note: For offences and civil penalties related to the creation of a certificate:

- (1A) The regulations:
- (a) may provide that certificates cannot be created in relation to a particular installation unless particular conditions are satisfied in relation to the installation; and
 - (b) without limiting paragraph (a), may:
 - (i) require information or documents to be given to the Regulator in relation to a solar water heater or its installation; and
 - (ii) provide that information or documents required to be given to the Regulator must be verified by statutory declaration.
- (2) The certificates may only be created within 12 months of the installation of a solar water heater.
- (3) The regulations may make provision in relation to the circumstances in which a certificate is taken to have been installed.
- (4) If a solar water heater is an air source heat pump water heater, a certificate may only be created for the installation of such an air source heat pump water heater if the volumetric capacity of not more than 425 litres.

many certificates may be created

- (1) The number of certificates (each representing 1 MWh) that may be created for a particular installation of a solar water heater is to be determined by the regulations.
- (2) Without limiting subsection (1), regulations made for the purposes of this section may:
 - (a) provide for the Regulator to determine the number of certificates that may be created for a particular installation of a solar water heater;

- (b) prescribe requirements to be complied with in relation to the determination, which may include a requirement made in accordance with a legislative instrument.

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the certificate or certificates but the person to whom create the certificate or certificates.

- (3) Despite subsections (1) and (2), a person who is not a certificate that relates to the solar water heater.

Register of solar water heaters

The regulations may make provision for and in relation to the Register of solar water heaters.

Division BA—Small-scale technology certificates for small

Small-scale technology certificates

Certificates created under this Subdivision are small-

When a certificate may be created

- (1) If a small generation unit is installed on or after 1 April 2016 after the small generation unit is installed.

Note: For offences and civil penalties related to the creation

(1A) The regulations:

- (a) may provide that certificates cannot be created in relation to a small generation unit unless particular conditions are satisfied in relation to its installation; and
- (b) without limiting paragraph (a), may:
- (i) require information or documents to be given in relation to a small generation unit or its installation; and
- (ii) provide that information or documents required to be given must be verified by statutory declaration.

(1B) To avoid doubt, regulations under subsection (1A) may be made to be complied with in relation to a small generation unit :

Note: For example, conditions may be imposed so that certain small generation units may be inspected only if the unit remains functional.

(2) The regulations may make provision in relation to the

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Regulations to establish scheme for inspection of new small generation units

- (1) The regulations must establish a scheme for the inspection of small generation units for which certificates have been created.
- (2) Without limiting subsection (1), regulations made under section 26 for small generation units installed after the commencement of this Act must include
 - (a) that each year a statistically significant selection of small generation units installed during that year must be inspected for compliance with the standards and any other standards or requirements specified in the certificates in relation to that small generation unit;
 - (b) that an inspection of a small generation unit is to be carried out by an organisation who:
 - (i) is independent of the person or organisation who issued the certificate for the small generation unit; and
 - (ii) does not have a conflict of interest in relation to the administration of the matters being inspected;
 - (c) for the transfer of information, about any failure to comply with the requirements relevant to the creation of certificates, to State, Territory or Commonwealth bodies for the enforcement and administration of those standards.
- (3) A report of an inspection carried out in accordance with subsection (1) may set out:
 - (a) conclusions; or
 - (b) recommendations; or
 - (c) other material;
 that is or are relevant to the performance of the functions conferred on the Regulator by section 26.
- (4) Subsection (3) does not limit the matters that may be

Note: Inspections carried out in accordance with regulations made under section 26.

- (a) may be relevant in determining whether a certificate is a small generation certificate (see subsection 26(3AA)); and
- (b) provide an indication of the effectiveness of the certificate.

many certificates may be created

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(2) The regulations may provide that, in the circumstances, the number of certificates that may be created in relation to a small generation unit installed during a period specified in column 1 of an item of the table is to be multiplied by a number that does not exceed the number in column 2 of that item.

Note: The regulations may make provision in relation to the number of certificates to be taken to have been installed (see subsection 23A(2)).

Multiplier for certificates for small generation units		
Item	Column 1 Period	Column 2 Number
1	9 June 2009 to 30 June 2010	5
2	1 July 2010 to 30 June 2011	5
3	1 July 2011 to 30 June 2012	5
4	1 July 2012 to 30 June 2013	4
5	1 July 2013 to 30 June 2014	3
6	1 July 2014 to 30 June 2015	2

(3) However, subject to subsections (3A) and (3C), the number of certificates to be multiplied only if the certificate is for a small generation unit with a rated power output of less than 3kW.

(3A) However, in the case of an off-grid small generation unit, the number of certificates to be multiplied only if the unit has a rated power output of less than 20kW.

(3B) In subsection (3A):

off-grid small generation unit means:

- (a) a small generation unit at least 1 kilometre from a public power line;
- (b) in the case of a small generation unit less than 1 kilometre from a public power line, the owner has provided written evidence from a qualified person that the total cost of connecting the unit to the public power line is so high as to make it uneconomic to connect the unit to the public power line.

- (3C) The regulations must provide that the number of cert subsection (3A) as a result of a multiplier in subsect column 1 of an item in the following table must not

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~~1 July 2017 to 30 June 2019~~

- (4) For the purposes of this Act, a certificate created in a mentioned in subsection (2) has a value of 1 MWh (actually represent 1 MWh).

may create a certificate

- (1) The owner of the small generation unit at the time th certificates arises in relation to the small generation certificate or certificates.
- (2) However, the owner may, by written notice and in ac assign the right to create the certificate or certificate does this, the owner is not entitled to create the certi to whom the right was assigned is entitled to create 1
- (3) Despite subsections (1) and (2), a person who is not 1 certificate that relates to the small generation unit.
- (4) Regulations made for the purposes of subsection (2)
 - (a) in relation to when the right may be assigned; an
 - (b) in relation to the kind of persons to whom the ri
- (5) Subsection (4) does not limit the regulations that ma; subsection (2).

other certificates to be created

A person must not create certificates under Subdivisio generated by a small generation unit, unless an elect relation to that unit.

tion to not create certificates under this Subdivision

- (1) The owner of a qualifying small generation unit at th the Regulator a notice in writing electing that this St

creation of certificates that relate to the unit.

Timing of election

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Election cannot be altered

- (4) An election must not be varied or revoked.

Definition

- (5) In this section:

qualifying small generation unit means a small generation unit as defined in the regulations for the purposes of this section.

Division BB—Solar water heater and small generation unit

Section BB—Solar water heater and small generation unit return

- (1) If the sum of the number of certificates created by a person under Subdivisions B and BA exceeds 250, the person must submit a return to the Regulator on or before:
- 14 February in the following year; or
 - any later day allowed by the Regulator.
- (2) The return must include details of:
- the number of certificates the person created under Subdivisions B and BA during the year; and
 - the number of certificates the person is entitled to under Subdivisions B and BA because of rights assigned to the person under Subdivisions B and BA and
 - the number of certificates the person is entitled to under Subdivisions B and BA because of rights assigned to the person under Subdivisions B and BA and
 - any other information specified by the regulations.

ion C—Improper creation of certificates

Improper creation of certificates—offences

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Chapter 3 of the *Criminal Code* contains general provisions

Note 2: For strict liability, see section 6.1 of the *Criminal Code*.

- (3) A person commits an offence if:
- (a) the person creates a certificate; and
 - (b) the person is not entitled to create the certificate.

Penalty: 5 penalty units.

Note: Chapter 2 of the *Criminal Code* sets out the general provisions and Chapter 3 of the *Criminal Code* contains general provisions.

- (4) To avoid doubt, a penalty may be imposed in respect of an offence which a person commits an offence.

Example: An individual who commits an offence under subsection (3) if the individual was not entitled to create would be subject to a penalty of 5 units. If the offence were under subsection (3), the individual would be subject to a penalty of 100 units.

- (5) In determining whether a person was not entitled to create a certificate has been registered by the Regulator under section 10.

Note: This ensures that a person cannot raise as a defence that the certificate was not registered.

Improper creation of certificates—civil penalty

- (1) A person must not create a certificate if the person is not entitled to create the certificate.

Ancillary contraventions

- (2) A person must not:
- (a) aid, abet, counsel or procure a contravention of subsection (1); or
 - (b) induce, whether by threats or promises or otherwise, a person to commit a contravention of subsection (1); or

- (c) be in any way, directly or indirectly, knowingly contravention of subsection (1); or
- (d) conspire with others to effect a contravention of

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(1) A person (the *first person*) contravenes this subsection

- (a) the person provides information to another person to, or in relation to the installation of, a solar water heating unit; and
- (b) the information:
 - (i) is false or misleading in a material particular
 - (ii) omits a matter or thing without which the information is a material particular; and
- (c) the second person relies on the information to certify under Subdivision B or BA in relation to the solar water heating unit; and
- (d) it could reasonably be expected that the second person would rely on the information; and
- (e) the second person's reliance on the information to certify under that Subdivision, in relation to the solar water heating unit, that the second person is not a contravention of this subsection.

Ancillary contraventions

- (2) A person must not:
 - (a) aid, abet, counsel or procure a contravention of subsection (1); or
 - (b) induce, whether by threats or promises or otherwise, a person to contravene subsection (1); or
 - (c) be in any way, directly or indirectly, knowingly contravention of subsection (1); or
 - (d) conspire with others to effect a contravention of subsection (1); or

Civil penalty provisions

- (3) Subsections (1) and (2) are *civil penalty provisions*.

Note: Division 1 of Part 15A provides for pecuniary penalties.

5—Form and registration of certificates and content of large-scale generation certificates

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... the certificate has generated, and

- (ca) details of the eligible energy source or sources of
- (d) the date on which the certificate was created.

- (3) A certificate's unique identification code is to consist in the following order:
 - (a) the registered person's registration number;
 - (b) the power station's identification code;
 - (c) the year;
 - (d) a number in an unbroken sequence, that is used to identify the quantity of electricity generated by the power station in increments of one.

n and content of small-scale technology certificates

- (1) Small-scale technology certificates are to be created in the following writing by the Regulator.
- (2) Each certificate is to contain:
 - (a) the registered person's registration number; and
 - (b) the year; and
 - (c) a number in an unbroken sequence that is used to identify the quantity of the solar water heater or small generation unit that the certificate starts at one and has increments of one; and
 - (d) the electronic signature of the registered person;
 - (e) the date on which the solar water heater or small generation unit was installed; and
 - (f) a statement that the certificate was created in relation to a small generation unit it was created in relation to a small generation unit;
 - (g) the date on which the certificate was created.
- (3) This section does not apply in relation to a small-scale technology certificate if the Regulator under section 30P.

icates must be registered

- (1) A certificate is not valid until it has been registered b

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(b) recommendations; or

(c) other material;

set out in a report of an inspection carried out in acc
under subsection 23AAA(1).

Note: Subsection 23AAA(1) deals with the inspection of t

(3AB) Subsection (3AA) does not limit the matters to which

(3A) A certificate is not eligible for registration unless the
any) prescribed by the regulations for the registrati

(3B) The amount of a fee prescribed under subsection (3A
expenses incurred, or to be incurred, by the Commo

(a) the performance of the Regulator's functions, or
powers, under this section; and

(b) the carrying out of inspections in accordance wi
subsection 23AAA(1), to the extent to which t
performance of the functions, or the exercise c
Regulator by this section; and

(c) the preparation of reports of inspections carried
made under subsection 23AAA(1), to the exte

(i) conclusions; or

(ii) recommendations; or

(iii) other material;

that is or are relevant to the performance of the
powers, conferred on the Regulator by this sec

(3C) A fee prescribed under subsection (3A) must not be s

- (4) If the Regulator determines that a certificate is eligib
must create an entry for the certificate in the register
certificates or the register of small-scale technology
record the person who created the certificate as the c

(5) If the Regulator determines that a certificate is not el
must notify the person who created the certificate.

(6) The Regulator may at any time (whether before or af

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6—Transfer of certificates

icates may be transferred

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- (2) The notification must be by electronic transmission in writing, by the Regulator.
- (2A) The notification must be accompanied by the fee (if any) for the purposes of this subsection.
- (3) When the Regulator is notified, the Regulator must also show the transferee as the owner of the certificate.
- (4) This section does not apply in relation to a transfer of certificate by or to the Regulator under subsection 3(1).

7—Retirement of certificates

Registered owner may surrender certificate

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Retirement of certificates

- (1) Where a certificate is surrendered under section 28A Part 5, or section 95, the certificate ceases to be valid.
- (2) When a certificate ceases to be valid, the Regulator must update the register of certificates to show that

8—Suspension of registration

sion of registration—conviction of offence

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sion of registration—other grounds

Regulator's belief that offence committed or civil penalty

- (1) The Regulator may, by written notice, suspend the registration of a person if the Regulator believes on reasonable grounds that the person has committed an offence against this Act or has contravened a civil penalty provision of this Act.
- (2) The registration is suspended for such period (not exceeding 12 months) as the Regulator considers appropriate in all of the circumstances. The Regulator must give written notice of the suspension to the person.

Registration obtained improperly

- (3) The Regulator may, by written notice, suspend the registration of a person if the Regulator is satisfied that the registration was obtained improperly.
- (4) The registration is suspended for such period (including any period of suspension under subsection (3)) as the Regulator considers appropriate in all of the circumstances. The Regulator must give written notice of the suspension to the person.

Prescribed ground

- (5) The Regulator may, by written notice, suspend the registration of a person if the Regulator is satisfied that the registered person is not a fit and proper person to hold the registration.
- (5A) For the purposes of subsection (5), in determining whether a person is a fit and proper person, the Regulator:
 - (a) must have regard to the matters specified in regulation 10 of the Renewable Energy (Electricity) Regulations 2000; and
 - (b) may have regard to such other matters (if any) as the Regulator considers appropriate.
- (6) The registration is suspended for such period (including any period of suspension under subsection (5)) as the Regulator considers appropriate in all of the circumstances. The Regulator must give written notice of the suspension to the person.

9—Changing the nominated person for an accreditation station

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17. Applications for accreditation

- (a) be made in a form and manner required by the Regulator;
 - (b) contain any information required by the Regulator;
 - (c) be accompanied by any documents required by the Regulator;
 - (d) be accompanied by the fee (if any) prescribed by the Regulator for such applications; and
 - (e) be accompanied by a statement in writing from the applicant in relation to the power station indicating that the applicant is making of the application.
- (3) If the Regulator receives an application that is proper in writing, approve the applicant as the nominated person for the power station.
 - (4) Otherwise, the Regulator must refuse to so approve the applicant accordingly.

10—Varying what constitutes a power station

Varying what constitutes a power station

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- (b) contain any information required by the Regulator;
 - (c) be accompanied by any documents required by the Regulator;
 - (d) be accompanied by the fee (if any) prescribed by the Regulator for such applications; and
 - (e) be accompanied by a statement in writing from the applicant in relation to the power station indicating that the applicant is making of the application.
- (4) If the Regulator refuses the application, the Regulator must do so accordingly.

11—Suspending the accreditation of a power station

Suspending the accreditation of a power station—interconnected power stations

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- electricity during the year or generates electricity during the year that is at least equal to its 1997 eligible renewable power baseline for the year.
- (d) the Regulator is satisfied that more large-scale generation certificates can be created in respect of electricity generated during the year than would be able to be created if any shortfall in respect of electricity generated during the year at least equal to its 1997 eligible renewable power baseline for the year.

Period of suspension

- (2) The accreditation is suspended for such period (including any period of suspension) as the Regulator considers appropriate in all of the circumstances. The Regulator must give notice.

Note: Any electricity generated by the power station while the accreditation is suspended is excluded from all calculations under section 18: see section 18(1)(b).

Group of interconnected power stations

- (3) Two or more power stations form a **group of interconnected power stations** if:
- each power station is able to generate electricity (including electricity from a **relevant supply**) of an eligible energy source; and
 - the amount of electricity generated by each power station in the group is able to be coordinated in order to allow the maximum number of generation certificates to be created in respect of the total capacity of the power stations during the year using that supply than would be able to be created if the power stations were not interconnected.

Relevant matters

- (4) In deciding whether or not to suspend the accreditation of a power station under subsection (1), the Regulator must have regard to any information available to him or her that demonstrates that either or both of the following paragraphs (1)(b) and (c) were not the result of a gap in the supply of electricity:

- (4A) In considering whether the outcomes referred to in paragraph (4) were not the result of a gaming arrangement, the Regulator must consider the matter prescribed by the regulations for the purpose:

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supply than would otherwise be able to be created.

Ending the accreditation of a power station—other grounds

Failure to give an electricity generation return

- (1) The Regulator may, by written notice, suspend the accreditation of a power station if an electricity generation return for a year, in accordance with section 10, has not been given to the Regulator in accordance with section 10.
- (2) The accreditation is suspended until the return is given to the Regulator in accordance with that section. The notice must include a statement to that effect.

Contravention of Commonwealth, State or Territory law

- (3) The Regulator may, by written notice, suspend the accreditation of a power station if the Regulator believes on reasonable grounds that the power station is being operated in contravention of a law of the Commonwealth, a State or a Territory.
- (4) The accreditation is suspended until the Regulator believes on reasonable grounds that the power station is not being operated in contravention of a law of the Commonwealth, a State or a Territory. The notice must include a statement to that effect.

Other circumstances

- (5) The Regulator may, by written notice, suspend the accreditation of a power station in any other circumstances prescribed by the regulations.
- (6) The accreditation is suspended for such period (including any extension) as the Regulator considers appropriate in all of the circumstances. The notice must include a statement to that effect.

Note: Any electricity generated by the power station while the accreditation is suspended under this section is to be excluded from all calculations under section 10.

12—Varying 1997 eligible renewable power base WCMG limits

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period.

- (3) Subsection (2) does not limit subsection (1).

Increase in baseline

- (4) If a determination increases the 1997 eligible renewable power station, the determination has effect only for 1 which the determination is made.

Decrease in baseline

- (5) If a determination decreases the 1997 eligible renewable accredited power station, the determination has effect the determination.

Varying 2008 WCMG limits

- (1) The Regulator may, by written determination, vary the accredited power station.
- (2) The Regulator must make a determination in accordance the regulations.

Increase in limit

- (3) If a determination increases the 2008 WCMG limit for determination has effect for the year or years specified

Decrease in limit

- (4) If a determination decreases the 2008 WCMG limit for determination has effect only for the years following determination is made.

↳—Clearing house for small-scale technolog

1—Preliminary

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2—Regulator to establish and operate clearing h

lator to establish and operate clearing house

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3—Entering certificates into the clearing house

Application for certificate to be entered into the clearing house Renewable Energy (Electricity) Act 2000



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(2) The application must:

- (a) be in writing; and
- (b) be in a form approved, in writing, by the Regulator;
- (c) be accompanied by any information required by the Regulator;
- (d) be accompanied by any documents required by the Regulator.

Regulator to enter certificate into the clearing house

(1) If:

- (a) an application is made in accordance with section 30U(1) for a technology certificate; and
- (b) the certificate is or becomes registered in the register of certificates;

the Regulator must enter the certificate into the clearing house transfer list in accordance with the regulations.

(2) The **clearing house transfer list** is a list, maintained in accordance with the regulations, of the certificates that are available for entry into the clearing house. The list must be maintained so that:

- (a) subject to paragraph (b), certificates are included in the list in the order in which applications relating to the certificates are received, with the most recent applications relating to the certificates at the bottom of the list;
- (b) if a certificate to which an application relates does not become a technology certificate, the application was received, paragraph (a) applies as if the application was received when the certificate was registered; and
- (c) a certificate must be removed from the list if:
 - (i) the certificate is withdrawn from the clearing house;
 - (ii) the certificate is transferred under section 30C;
 - (iii) the certificate is cancelled under section 30D.

Note: Regulations under section 30U may allow the Regulator to enter a certificate into the clearing house in other circumstances.

(3) If the Regulator includes a certificate on the clearing must:

(a) alter the register of small-scale technology certi

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Note: See also sections 27 (certificates may be transferred transfer).

(5) The clearing house transfer list is not a legislative ins

4—Purchase of certificates through the clearing

clearing house price etc.

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- (3) Before making an instrument under paragraph (1)(b)
 - (a) must take into consideration:
 - (i) whether the total value, in MWh, of small-generation certificates in 2015 exceeded or is expected to exceed the total value of small-generation certificates in 2014;
 - (ii) any changes to the costs of small generation;
 - (iii) the extent to which owners of small generation contribute to the costs of small generation;
 - (iv) the impact of the clearing house price, and the number of units and solar water heaters installed, on electricity prices; and
 - (b) may take into consideration any other matters that the Minister considers relevant.
- (4) If the Minister is considering a matter mentioned in paragraph (3), the Minister must obtain, and take into consideration, independent advice from an expert.
- (5) An instrument made under paragraph (1)(b) must not be made after the first 1 April following the making of the instrument.
- (6) If:
 - (a) an instrument is made under paragraph (1)(b); and
 - (b) on a particular day (the *tabling day*), a copy of the instrument is tabled in the House of the Parliament under section 38 of the Constitution,
 then, on or as soon as practicable after the tabling date, the Minister must table before that House a written statement setting out the reasons for making the instrument.

Application for purchase of certificate through the clearing

- (1) Subject to subsection (2), a person may apply to the clearing house for a technology certificate.
- (2) The regulations may provide that certain persons are exempt from subsection (1) in particular circumstances to make an application.

- (3) An application must:
- (a) be in writing; and
 - (b) be in a form approved, in writing, by the Regula

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- (a) a person (the *purchaser*) has made an applicatic
to purchase a small-scale technology certificat
 - (b) there is a small-scale technology certificate on t
Regulator to transfer certificate at top of clearing ho
- (2) The Regulator must transfer the certificate that is at t
list to the purchaser on behalf of the person (the *sell*
transfer, was the registered owner of that certificate.
- (3) If the Regulator transfers a certificate under subsection
as practicable:
- (a) give the purchaser notice in writing of the transf
 - (b) pay the seller the amount specified in subsection
 - (c) alter the register of small-scale technology certi
owner of the certificate.
- (4) For the purposes of paragraph (3)(b), the amount is:
- (a) if the transfer of the certificate is a taxable supp
the GST inclusive clearing house price; or
 - (b) if the transfer of the certificate is not a taxable s
—the clearing house price.
- (5) Ownership of the certificate transfers to the purchase
technology certificates is altered in accordance with

**ere is no certificate on the clearing house transfer list—Re
certificate**

Scope

- (1) This section applies if:
- (a) a person (the *purchaser*) has made an applicatic
to purchase a small-scale technology certificat

(b) there is no small-scale technology certificate on

Regulator to create certificate

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Cancellation of next certificate included on clearing

- (4) If a certificate is created under subsection (2), the following apply:
- (a) the next small-scale technology certificate (the *transferred certificate*) included on the clearing house transfer list is, if the clearing house transfer list is taken to be transferred to the Regulator by the registered owner immediately before it was included on the clearing house transfer list,
 - (b) the Regulator must, as soon as practicable:
 - (i) cancel the transferred certificate; and
 - (ii) pay the seller the amount specified in subsection (5)(a); and
 - (iii) alter the entry relating to the transferred certificate in the register of small-scale technology certificates to show that the certificate is no longer valid.
- (5) For the purposes of subparagraph (4)(b)(ii), the amount referred to is:
- (a) if the transfer to the Regulator of the transferred certificate is a taxable supply by the seller to the Regulator—the GST on that supply;
 - (b) if the transfer to the Regulator of the transferred certificate is not a taxable supply by the seller to the Regulator—the amount of the GST on that supply.

Form and content of certificates created by the Regulator

- (1) Certificates created by the Regulator under subsection (2) are to be in electronic form approved in writing by the Regulator.
- (2) Each certificate is to contain:
 - (a) the year; and
 - (b) a statement to the effect that the certificate was created under section 30P; and
 - (c) a number in an unbroken sequence that is used by the Regulator in that year and that starts at one and ends at the number of certificates created by the Regulator in that year; and
 - (d) the date on which the certificate was created.

5—Renewable Energy Special Account

Renewable Energy Special Account

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purchase of certificates.

Note: An Appropriation Act may contain a provision to the effect that an appropriation for a special account is a purpose that is covered by an item (if the item expressly refers to the special account), the appropriation for that item and credited to that special account.

Purposes of the Renewable Energy Special Account

The purposes of the Renewable Energy Special Account are:

- (a) paying amounts under paragraph 30N(3)(b) in relation to the purchase of certificates;
- (b) paying amounts under subparagraph 30P(4)(b) in relation to the purchase of certificates;
- (c) refunding amounts under regulations made for the purposes of the purchase of certificates;
- (d) paying amounts of GST for which the Regulator is liable in relation to the purchase of certificates for purchasers under section 30P.

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (deals with special accounts).

6—Other matters

Provisions about the operation of the clearing house

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- (a) the circumstances in which the Regulator may require a clearing house transfer list other than under paragraph (c);
- (e) the timing and methods of payment of amounts;
- (f) the publication of information about the clearing house transfer list;
- (g) the keeping of records by the Regulator in relation to the clearing house;
- (h) the fees that are payable in relation to matters connected with the clearing house (including matters connected with the Regulator's functions in relation to the clearing house and the clearing house's functions);
- (i) the payment of refunds in the following circumstances:
- (i) a small-scale technology certificate is transferred under section 30N but the transfer is not a taxable transfer to the purchaser;
 - (ii) a small-scale technology certificate is created under section 30P but the creation of the certificate is not a taxable event for the Regulator to the purchaser.

–Acquisition of electricity

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MW or more; or

- (b) the end user of the electricity generated the elec conditions are satisfied:
 - (i) the point at which the electricity is generat point at which the electricity is used;
 - (ii) the electricity is transmitted or distributed the point of use and the line on which the distributed is used solely for the transmis between those 2 points; or
 - (c) the electricity is later acquired by AEMO or a p regulations.
- (3) The amount of electricity acquired under a relevant a are to be determined in accordance with the regulati
- (4) A person who owns, operates or controls a grid must within 28 days of either of the following happening:
- (a) the capacity of the grid increases from less than
 - (b) the grid becomes connected, directly or indirect 100 MW or more.

The statement must include any information specific

Wholesale acquisitions

- (1) A **wholesale acquisition** is an acquisition of electrici
 - (a) AEMO or a person or body prescribed by the re
 - (b) a person who did not acquire it from another pe
- (2) To avoid doubt, subsection (1) does not apply where from the person who generated the electricity and su notional wholesale acquisition in connection with th

- (3) If there is a wholesale acquisition of electricity under acquisition in relation to that electricity is a relevant other acquisition occurs).

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... person (the *notional generator*) and ... applies as if the notional wholesaler acquired the electricity at the time that the end user acquired the electricity. *wholesale acquisition*.

- (3) The second situation is where the end user of the electricity neither of the following conditions are satisfied:
- (a) the point at which the electricity is generated is at which the electricity is used;
 - (b) the electricity is transmitted or distributed between point of use and the line on which the electricity is used solely for the transmission or distribution points.

In this situation, the person who generated the electricity (the *notional generator* and the *notional wholesaler*), or the *notional wholesaler* acquired the electricity from the *notional generator* at the point at which the electricity is used. That acquisition is a *notional wholesale acquisition*.

11 provision relating to transactions involving AEMO or a prescribed by the regulations

Despite section 31, no acquisition of electricity by AEMO or a prescribed by the regulations is a relevant acquisition.

–Renewable energy shortfall charge

1AA—Preliminary

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- (a) large-scale generation shortfall charge (Division 1), which is calculated by relevant acquisitions of electricity, large-scale generation certificates and energy power percentage; and
- (b) small-scale technology shortfall charge (Division 1), which is calculated by relevant acquisitions of electricity, small-scale technology certificates and technology percentage.

Division 1A deals with the determination of the amount of the exemption from charge.

Division 2 deals with the renewable power percentage shortfall charge.

Division 2A deals with the small-scale technology shortfall charge.

Division 3 deals with other matters related to renewable energy.

1—Liability to charge

Division A—Liable entities

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Large-scale generation shortfall charge payable by liable entity

- (1) Subject to subsection (2), if a liable entity has a large-scale generation shortfall for the year, *large-scale generation shortfall charge* is payable by the liable entity.
- (2) No large-scale generation shortfall charge is payable if the large-scale generation shortfall for the year is less than the required large-scale renewable energy for the year. If the large-scale generation shortfall becomes a *carried forward shortfall* for the year, the charge is payable by the liable entity in the year in which the shortfall is made good.
- (3) Large-scale generation shortfall charge imposed in respect of a large-scale generation shortfall for a year is payable by the liable entity in the year in which the shortfall is made good.

Note: Large-scale generation shortfall charge is imposed by section 100 of the *(Large-scale Generation Shortfall Charge) Act 2000*.

Amount of charge

The amount of large-scale generation shortfall charge payable by a liable entity is worked out using the formula:

$$\text{Large-scale generation shortfall} \times \text{Rate of charge}$$

where:

rate of charge is the rate of charge as specified in section 100 of the *(Electricity) (Large-scale Generation Shortfall Charge) Act 2000*.

Determination of large-scale generation shortfall

The following method statement shows how to work out the amount of *large-scale generation shortfall* for a year:

Method statement

Step 1. Work out the total amount, in MWh, of electricity generated by the liable entity during the year under relevant acquisition arrangements.

Step 2. Subtract from the total electricity acquired exemption for the year.

Step 3. Multiply the result of step 2 by the renewal

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Result: If the result is greater than zero, the liable shortfall for the year equal to the result.

If the result is zero, the liable entity does not have a shortfall for the year.

If the result is less than zero, the liable entity's liability for the year equal to the result (expressed as a positive amount).

Section C—Small-scale technology shortfall charge

Interpretive provisions relating to liability for small-scale technology shortfall charge etc.

- (1) This section defines expressions that are used in provisions for the determination of a liable entity's liability to small-scale technology shortfall charge for an assessment year (the *assessment year*), and related matters.

Assessment year's reduced acquisitions

- (2) The *assessment year's reduced acquisitions* is the amount of the liable entity's exemption (if any) for that assessment year, in MWh, of electricity acquired during the assessment year under relevant acquisitions.

Previous year's reduced acquisitions

- (3) The *previous year's reduced acquisitions* is the amount of the liable entity's exemption (if any) for that previous year, in MWh, of electricity acquired by the liable entity during that previous year under relevant acquisitions.

- (4) For the purpose of subsection (3):
 - (a) the amount, in MWh, of electricity acquired during that previous year by the liable entity under relevant acquisitions is taken to be the amount of the liable entity's exemption (if any) for that previous year.

so acquired in the liable entity's energy acquisition year (taking account of any amendments to that statute made on or after 1 April in the assessment year); and

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have an amount apply as if it were the previous year. If the liable entity does not do so, the default rule in section 38AH will apply.

The quarters of a year

- (5) Each year consists of **quarters** as follows:
- January, February and March in the year (the **first quarter**);
 - April, May and June in the year (the **second quarter**);
 - July, August and September in the year (the **third quarter**);
 - October, November and December in the year (the **fourth quarter**).

The surrender period for a quarter

- (6) The **surrender period** for a quarter of a year is as follows (the dates):
- for the first quarter—the period from 15 February to 31 March;
 - for the second quarter—the period from 29 April to 30 June;
 - for the third quarter—the period from 29 July to 30 September;
 - for the fourth quarter—the period from 29 October to 31 December.
- the liable entity is required to lodge an energy surrender statement for that quarter.

Note: The period described in paragraph (6)(d) will end on 31 December if the Regulator allows a later day under paragraph 44(1)(c).

- (7) Section 36 of the *Acts Interpretation Act 1901* does not apply to the surrender period for the first, second or third quarter.

Small-scale technology shortfall charge payable by liable entity

- If a liable entity has a small-scale technology shortfall for a year, a **shortfall charge** is payable in respect of the shortfall.
- Small-scale technology shortfall charge imposed in respect of a small-scale technology shortfall for a year is payable on or before the end of the year.

Note: Small-scale technology shortfall charge is imposed by
(Small-scale Technology Shortfall Charge) Act 2016

Amount of charge

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(Electricity) (Small-scale Technology Shortfall Charge)

termination of small-scale technology shortfall

- (1) A liable entity's *small-scale technology shortfall* for a year is the result of adding together the quarterly shortfalls (if any) calculated for each quarter of the year under section 38AE.
- (2) If the result is a positive amount, the liable entity has a *small-scale technology shortfall* for the year equal to the result.
- (3) If the result is zero, the liable entity does not have a *small-scale technology shortfall* for the year.

quarterly shortfalls for the quarters of a year

First quarter of year

- (1) The following method statement shows how to work out the *small-scale technology shortfall* for the first quarter of a year (the *assessment period*).

Method statement

Step 1. Work out 35% of the previous year's reduced *small-scale technology percentage* for the assessment period. Round the result to the nearest MWh (rounding down) to get the *required surrender amount*.

Step 2. Add together:

- (a) the total value, in MWh, of small-scale technology surrendered, under Subdivision A of section 38AE, by the liable entity during the assessment period;
- (b) the amount of any quarterly surplus surrendered by the liable entity in the fourth quarter of the previous year.

The result is the ***surrendered amount***.

Step 3. Subtract the surrendered amount from the

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Second quarter of the assessment year

- (2) The following method statement shows how to work out the shortfall for the second quarter of the assessment year.

Method statement

Step 1. Work out 25% of the previous year's reduced small-scale technology percentage for the assessment year. Round the result to the nearest MWh (rounding down). The result is the ***required surrender amount***.

Step 2. Add together:

- (a) the total value, in MWh, of small-scale technology surrendered, under Subdivision A of the assessment year, by a liable entity during the surrender period;
- (b) the amount of any quarterly surplus for the first quarter of the assessment year.

The result is the ***surrendered amount***.

Step 3. Subtract the surrendered amount from the

Result: If the result is greater than zero, the liable entity has a liability for the second quarter of the assessment year.

If the result is zero, the liable entity does not have a liability for the second quarter of the assessment year.

If the result is less than zero, the liable entity has a credit for the second quarter of the assessment year equal to the absolute value of the result (positive).

Third quarter of the assessment year

- (3) The following method statement shows how to work out the amount of the liability for a shortfall for the third quarter of the assessment year.

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Step 2. Add together:

- (a) the total value, in MWh, of small-scale technology surrendered, under Subdivision A of the liability table, by the liable entity during the surrender period for the third quarter of the assessment year;
- (b) the amount of any quarterly surplus for the third quarter of the assessment year.

The result is the ***surrendered amount***.

Step 3. Subtract the surrendered amount from the amount worked out under Step 1.

Result: If the result is greater than zero, the liable entity has a liability for the third quarter of the assessment year equal to the result.

If the result is zero, the liable entity does not have a liability for the third quarter of the assessment year.

If the result is less than zero, the liable entity has a liability for the third quarter of the assessment year equal to the absolute value of the result (that is, the result multiplied by -1).

Fourth quarter of the assessment year

- (4) The following method statement shows how to work out the amount of the liability for a shortfall for the fourth quarter of the assessment year.

Method statement

Step 1. Work out the assessment year's reduced amount of small-scale technology surrendered for the third quarter of the assessment year. Round the result to the nearest MWh (rounding 0.5 up).

Step 2. Subtract from the amount worked out under Step 1 the surrender amounts for the first, second and third quarters of the assessment year.

year. The result (which may be less than :
amount.

Step 3. Add together:

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Step 4. If the required surrender amount is zero or
amount from the required surrender amo

Result: If the result is greater than zero, the liable
the fourth quarter of the assessment year

If the result is zero, the liable entity does r
the fourth quarter of the assessment year.

If the result is less than zero, the liable ent
fourth quarter of the assessment year equ
positive amount).

Step 5. If the required surrender amount is less th
(expressed as a positive) to the surrender

Result: The liable entity has a **quarterly surplus** f
assessment year equal to the result.

ergy acquisition statement lodged for previous year: appli amount apply instead of previous year's reduced acquisi

(1) If the liable entity lodged an energy acquisition state
1 April in the assessment year, the liable entity may
amount (the **proposed amount**) apply instead of the
acquisitions for the purpose of applying section 38A

(2) The application must:

- (a) specify the proposed amount; and
- (b) be made before 1 October in the assessment year

Note: For other provisions relating to the making of applic

- (3) The Regulator must consider the application and must
- (a) determine that the proposed amount, or a different amount of the previous year's reduced acquisition

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- (i) invite the liable entity to comment on the amount to determine; and
 - (ii) consider the liable entity's comments (if any)
- (6) If the Regulator determines an amount under paragraph subsection (7), section 38AE applies to the entity an amount determined were the previous year's reduced acquisition statement lodged for previous year: amount
- (7) If the assessment year's reduced acquisitions exceed the prescribed percentage of the amount determined
- (a) subsection (6) does not apply; and
 - (b) references in section 38AE to the previous year taken to be references to the assessment year's reduced acquisition statement lodged for previous year: amount
- For this purpose, the *prescribed percentage* is the percentage prescribed in the regulations for the purpose of this subsection.
- (8) The Regulator must give the liable entity written notice in relation to the application.
- (9) The Regulator must comply with any requirements prescribed in relation to the exercise of the Regulator's functions or powers in relation to the application.

Reduced acquisition statement lodged for previous year: amount apply as if it were previous year's reduced acquisition statement

- (1) If, for any reason, the liable entity did not lodge an energy acquisition statement for the previous year before 1 April in the assessment year, the Regulator to have an amount (the *proposed amount*) for the previous year's reduced acquisitions for the purpose of applying section 38AE for a quarter (the *relevant quarter*) of the assessment year.

Note 1: Different amounts may be proposed by the liable entity for different quarters, as determined by the Regulator, in relation to different quarters of the assessment year.

Note 2: If the liable entity does not make an application under section 38AH will apply.

(2) The application must:

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(4) A determination under subsection (3) is not a legislative instrument.

(5) In relation to the Regulator's power to determine an amount for the relevant quarter, the Regulator may determine a proposed amount for the relevant quarter:

(a) a different amount determined by the Regulator for the relevant quarter; and

(b) before determining a different amount, the Regulator must:

(i) invite the liable entity to comment on the proposed amount; and

(ii) consider the liable entity's comments (if any).

(6) If the Regulator determines an amount for the relevant quarter, then subsection 38AE(1), (2) or (3) (as the case requires) applies as if the amount determined were the previous year's amount.

(7) The Regulator must give the liable entity written notice of the amount determined in relation to the application.

(8) The Regulator must comply with any requirements prescribed in relation to the exercise of the Regulator's functions under this section.

38AH Energy acquisition statement lodged for previous year: determination

(1) This section applies, in relation to the first, second or third quarter of the assessment year, if:

(a) for any reason, the liable entity did not lodge an energy acquisition statement for the previous year before 1 April in the assessment year; and

(b) either:

(i) the liable entity did not make an application for a determination under this section at the end of the assessment year in relation to that quarter; or

(ii) the liable entity made such an application in relation to that quarter but the Regulator refused to make a determination under this section:

(a) in relation to that quarter.

- (2) If this section applies, then subsection 38AE(1), (2) or (3) applies to the relevant quarter as if the amount specified in those paragraphs applies were the previous year's reduced amount.

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- (1) An application under section 38AF or 38AG must:
- be in writing; and
 - be in a form approved, in writing, by the Regulator;
 - include any information required by the regulator;
 - be accompanied by any documents required by the regulator;
 - be accompanied by any report required by the regulator;
 - be accompanied by any fee required by the regulator.
- (2) The approved form of application may provide for verification of statements in applications.

Regulator may require further information

- (3) The Regulator may, by written notice given to a liability application under section 38AF or 38AG, require the applicant, within the period specified in the notice, further information.
- (4) If the entity breaches the requirement, the Regulator may:
- refuse to consider the application; or
 - refuse to take any action, or any further action, in relation to the application.

1A—Exemption from liability to charge

ect

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amounts in exemption certificates:

- (a) issued in relation to the liable entity for the year
- (b) included in the liable entity's energy acquisition

- (2) The *exemption amount in an exemption certificate* :
in the certificate as being the amount of the liable en

Information about exemptions to be published on Regulator's

- (1) If a liable entity receives an exemption for a year, the
in the following year, publish on its website:
 - (a) the name of the entity; and
 - (b) the value in dollars, estimated by the Regulator,
exemption for the year; and
 - (c) such other information in relation to the exempt
- (2) The Regulator must also publish on its website such
exemptions as is required by the regulations.
- (3) If a liable entity's exemption is later reduced or incre
information on its website.

2—Renewable power percentage for large-scale & shortfall charge

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$$\text{Renewable power percentage for the previous year} \times \frac{\text{Required GWh of source electricity for the year}}{\text{Required GWh of source electricity for the previous year}}$$

- (3) Before the Governor-General makes a regulation under subsection (2), the Minister must take into consideration:
 - (a) the required GWh of renewable source electricity for the year;
 - (b) the amount estimated as the amount of electricity generated from renewable source electricity relevant acquisitions during the year; and
 - (c) the amount by which the required GWhs of renewable source electricity for the previous years has exceeded, or has been exceeded, or has been expected to be exceeded, the required GWh of renewable source electricity required under the scheme in the previous year;
 - (d) the amount estimated as the amount of all exemptions for the year.

(3A) If, at the time the Minister takes into consideration the matters mentioned in subsection (3), the amount applicable under paragraph (b), the Minister may take into consideration an estimate of the amount of electricity generated from renewable source electricity relevant acquisitions during the year.

- (4) The amount of renewable source electricity required for the year is worked out using the formula:

$$\left(\begin{array}{l} \text{Total electricity} \\ \text{acquired under} \\ \text{relevant acquisitions} \\ \text{during the year, in MWh} \end{array} - \begin{array}{l} \text{Total of all} \\ \text{exemptions} \\ \text{for the year,} \\ \text{in MWh} \end{array} \right) \times \text{Renewable power percentage for the year}$$

- (5) A failure to comply with subsection (3) does not affect the amount of renewable source electricity required for the year.

required GWh of renewable source electricity

The *required GWh of renewable source electricity* for the year is worked out using the following table:

Required GWh of renewable source electricity	
Year	GWh
2001	300

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2011	10400
2012	16763
2013	19088
2014	16950
2015	18850
2016	21431
2017	26031
2018	28637
2019	31244
2020	33850
2021	33000
2022	33000
2023	33000
2024	33000
2025	33000
2026	33000
2027	33000
2028	33000
2029	33000
2030	33000

2A—Small-scale technology percentage for small shortfall charge

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$$\text{Previous year's small-scale technology percentage} \times \frac{\text{Certificate value for previous year}}{\text{Certificate value for year before previous year}}$$

where:

certificate value for previous year is the total value, certificates created in the previous year.

certificate value for year before previous year is the value of small-scale technology certificates created in the year before the previous year.

- (3) Before the Governor-General makes a regulation under section 2A, the Governor-General must take into consideration:
- (a) the estimated value, in MWh, of small-scale technology certificates created in the current year under Subdivisions 4 and 5 and
 - (b) the amount estimated as the amount of electricity generated from relevant acquisitions during the current year; and
 - (c) the amount estimated as the amount of all exempt generation in the current year; and
 - (d) if the current year is the year commencing on 1 July of the current year:
 - (i) the amount by which the previous year's electricity generation exceeded, or was exceeded by, the value, of certificates that were created in that year under Division 4 of Part 2; and
 - (ii) the amount by which the previous year's electricity generation exceeded, or was exceeded by, the amount of electricity generated from relevant acquisitions during that year; and
 - (iii) the amount by which the previous year's electricity generation exceeded, or was exceeded by, the amount of electricity generated from exempt generation in that year.

for the previous year.

- (4) If, at the time the Minister takes into consideration the
subsection (3), the amount referred to in subparagraph

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2AA—Emerging renewable energy technologies

Inclusion of emerging renewable energy technologies

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3—Other provisions related to renewable energy

Regulator to publish estimate of small-scale technology percent

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Regulator to give liable entity estimate of current year's required surrender amounts for first 3 quarters

- (1) If a liable entity lodges an energy acquisition statement for the current year, the Regulator must, before the end of the current year, give the liable entity written notice of the amounts that the liable entity's required surrender amounts under this Act for the first and third quarters of the current year.
- (2) In making an estimate under subsection (1), the Regulator must take into account the determination made by the Regulator under section 101 for the current year.
- (3) An estimate given to a liable entity under this section
 - (a) does not in any way bind the Regulator, the Commission, or the Court and
 - (b) does not in any way affect the determination of the amount of the small-scale technology shortfall charge for a year.

Arrangements to avoid or reduce renewable energy shortfall charge

If:

- (a) a liable entity makes an arrangement; and
- (b) as a result of the arrangement the liable entity's required surrender amount for the small-scale technology shortfall in a year is reduced; and
- (c) in the Regulator's opinion the arrangement was made for the sole purpose of avoiding payment of renewable energy shortfall charges in accordance with this Act;

the liable entity is liable to pay for the year an amount equal to the amount that, in the Regulator's opinion, the liable entity would have been liable to pay if the arrangement had not been made.

Note: See also section 101 (about payment of penalty charges).

Application of Act to Commonwealth

- (1) The Commonwealth is not liable to pay renewable energy charge or interest charge that is payable under this Act.

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other Commonwealth law.

- (4) In subsections (1) and (2):

Commonwealth includes a Commonwealth entity (within the meaning of the *Commonwealth Governance, Performance and Accountability Act 2015*); and
 taxation by a Commonwealth law.

Application of exemptions from charges

- (1) This section cancels the effect of a provision of another law that exempts a person from liability to pay charge payable under this Act.
- (2) The cancellation does not apply if the provision of the law
- commences after this section commences; and
 - refers specifically to charge payable under this Act.

–Statements, certificates and assessments

1AA—Preliminary

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for the year (or for the quarters of the year) in the s
additional certificates in certain circumstances.

Subdivision B of Division 1 requires the lodgment
shortfall statements by entities that have large-scale
small-scale technology shortfalls.

Division 1A deals with the issue and amendment o

Division 2 deals with the assessment of liability to
and for the amendment of assessments. It also deal

1—Statements

Division A—Annual energy acquisition statements

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- (2) The statement must set out:
- (a) the name and postal address of the liable entity;
 - (b) the amount, in MWh, of electricity acquired by acquisitions during the assessment year; and
 - (c) whether the liable entity wishes to claim an exemption (also subsection (3)); and
 - (d) the large-scale charge information (see subsection (3)); and
 - (e) the small-scale charge information (see subsection (3)); and
 - (f) any other information required by the regulation.
- (3) If the liable entity wishes to claim an exemption for 1 must be accompanied by:
- (a) a copy of each exemption certificate issued to the liable entity during the year in relation to an emissions-intensive trade liability during the year; and
 - (b) a copy of each exemption certificate issued to a liable entity for the assessment year and given
- (4) For the purpose of paragraph (2)(d), the **large-scale charge** information must include:
- (a) the value, in MWh, of large-scale generation certificates surrendered during the assessment year under section 44A; and
 - (b) the amount of any carried forward shortfall or credit that the liable entity had for the previous year; and
 - (c) the amount of any carried forward surplus that the liable entity had for the assessment year.
- (5) For the purpose of paragraph (2)(e), the **small-scale charge** information must include:
- (a) for each of the quarters of the assessment year—
 - (i) the amount of any surrendered generation certificates that have been or are being surrendered under section 45 during the surrender period for that quarter; and
 - (ii) the amount of any surrendered generation certificates that have been or are being surrendered under section 45 during the surrender period for that quarter;
 - (b) the amounts of any quarterly surpluses and quarterly shortfalls that the liable entity has for the quarters of the assessment year; and

- (c) the amount of any quarterly surplus that the liable entity has in the year of the previous year; and
- (d) if the Regulator has, under section 38AF, determined the amount of any quarterly surplus that the liable entity has in the year of the previous year.

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- (6) The statement must:
 - (a) be in a form approved by the Regulator; and
 - (b) be lodged with the Regulator in accordance with section 45C; and
 - (c) be signed by or on behalf of the liable entity making the statement.

Surrender of large-scale generation certificates in energy acquisition statement

- (1) A liable entity may surrender large-scale generation certificates by including details of the large-scale generation certificates (the *identified certificates*) that it is surrendering for the year in its energy acquisition statement.

Note: For limitations on the certificates that can be surrendered, see section 45D.

- (2) The identified certificates are taken to be surrendered if the energy acquisition statement is lodged, other than any of those certificates that are surrendered because of section 45D.
- (3) The Regulator must, by notice in writing given to the liable entity, determine:
 - (a) the number of the identified certificates that (taking into account section 45D) are able to be surrendered for the year; and
 - (b) the fee payable by the entity under section 45E in respect of the identified certificates.

- (4) A notice under subsection (3) is not a legislative instrument.

Surrender of small-scale technology certificates in quarterly surrender instrument

Surrender of small-scale technology certificates on a quarterly basis

- (1) A liable entity may surrender small-scale technology certificates by including details of the small-scale technology certificates (the *identified certificates*) that it is surrendering for the quarter in its quarterly *surrender instrument* applies:

- (a) for the first, second or third quarter of the year—

- (i) is in a form approved by the Regulator; and
- (ii) is lodged, before the end of the surrender period, with the regulations; and

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Regulator to give liable entity notice relating to surrender

- (3) After the liable entity has lodged the surrender instrument, the Regulator must, by notice in writing given to the liable entity of the number of the identified certificates for each account of section 45D) are able to be surrendered for

Regulator to give liable entity notice relating to total

- (4) After the liable entity has lodged its energy acquisition statement, the Regulator must, by notice in writing given to the liable entity:
 - (a) the number of the identified certificates for each account of section 45D) are or were able to be surrendered for
 - (b) the fee payable by the entity under section 45E) for the certificates.

Notices are not legislative instruments

- (5) A notice under subsection (3) or (4) is not a legislative instrument.

Amending energy acquisition statement at request of liable entity

- (1) The Regulator may amend an energy acquisition statement at the request of a liable entity, by notice in writing, an amendment within 12 months of the date of the statement.

Note: An amendment of an energy acquisition statement under this section is not a legislative instrument. The Regulator issuing an assessment under section 48 or section 49.

- (2) If the Regulator refuses to amend an energy acquisition statement upon a request by a liable entity, the Regulator must

Amendment to surrender additional certificates

- (3) The liable entity may, under subsection (1), request a acquisition statement for a year to:

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- (4) The request must include details of the additional certificates that the liable entity wishes to surrender for the year
- (5) If the Regulator agrees to the request (in whole or in part) in writing to the liable entity, advise the entity of:
- (a) the number of the identified certificates in relation to which the subparagraphs are satisfied:
- (i) the Regulator agrees to make the amendment to the Act;
- (ii) the certificates (taking account of section 45E) that are surrendered during the year or the quarter; and
- (b) the fee payable by the entity under section 45E in relation to the certificates (the *agreed certificates*) in relation to which the subparagraphs (i) are satisfied.
- (6) A notice under subsection (5) is not a legislative instrument.
- (7) Subject to subsection (8), the agreed certificates are surrendered during the year or the quarter when the Regulator makes the amendment of the Act.
- (8) If the agreed certificates are small-scale technology certificates, in determining the number of such certificates surrendered during the surrender period for the fourth quarter, the certificates surrendered during that period.

No amendment to reduce number of certificates surrendered

- (9) An energy acquisition statement cannot be amended to increase the number of certificates previously surrendered.

Amendment to energy acquisition statement on Regulator's own initiative

- (1) The Regulator may amend an energy acquisition statement on its own initiative if the amendment is made within 4 years of the date of the statement.

Note: An amendment of an energy acquisition statement u
Regulator issuing an assessment under section 48 or
section 49.

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amended under section 45B so that either of the foll
the amounts and other information contained in the :
have been if the amendment had not been made:

- (a) the liable entity's large-scale generation shortfal
- (b) the liable entity's quarterly shortfall for the four

(2) The liable entity may (subject to section 45D) surren
year or quarter by giving the Regulator a notice (an

(a) includes details of the certificates (the *identified*
and

(b) is in a form approved by the Regulator; and

(c) is lodged with the Regulator, in accordance with
of 30 days beginning on the day on which the
amendment; and

(d) is signed by or on behalf of the liable entity.

(3) Subject to subsection (4), the identified certificates a
additional surrender notice is lodged.

(4) If the identified certificates are small-scale technolog
of determining the number of such certificates surre
surrender period for the fourth quarter, the certificat
surrendered during that period.

(5) The Regulator must, by notice in writing given to the

(a) the number of the identified certificates that (tak
able to be surrendered for the year or quarter; ;

(b) the fee payable by the entity under section 45E :
certificates.

(6) A notice under subsection (5) is not a legislative inst

itions on certificates that can be surrendered under this

Large-scale generation certificates

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amendment of the energy acquisition stat

(iii) for surrender under section 45C—the time notice is lodged; and

(c) the certificate is valid at the time that applies un

Small-scale technology certificates

(2) A liable entity cannot surrender a small-scale technol year under this Subdivision unless:

(a) either:

(i) the liable entity acquired the certificate unc of certificates through the clearing house;

(ii) if subparagraph (i) does not apply—the ce of the year; and

(b) the liable entity is recorded in the register of sm the owner of the certificate at whichever of the

(i) for surrender under section 45—the time w quarter is lodged;

(ii) for surrender under section 45A—the time amendment of the energy acquisition stat

(iii) for surrender under section 45C—the time notice is lodged; and

(c) the certificate is valid at the time that applies un

(3) The liable entity cannot surrender a small-scale techr year under this Subdivision if, at the time that applic certificate is on the clearing house transfer list (see s

for surrender of certificates under this Subdivision

(1) The regulations may prescribe the fee payable for the Subdivision.

- (2) If a liable entity is given a notice under section 44A, of the fee payable in respect of the surrender of certi the fee within the period of 28 days beginning on the

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- (a) a *large-scale generation shortfall statement* (see
 (b) a *small-scale technology shortfall statement* (see

Large-scale generation shortfall statement

- (2) A liable entity that has a large-scale generation shortfall must lodge a large-scale generation shortfall statement
- (a) 14 February in the next year; or
 (b) any later day allowed by the Regulator.

- (3) The statement must set out:
- (a) the name and postal address of the liable entity;
 (b) the liable entity's large-scale generation shortfall
 (c) the amount of any carried forward shortfall or carried forward liability the liable entity had for the previous year; and
 (d) either:
- (i) the amount of carried forward shortfall that the liable entity had for the assessment year; or
 (ii) the amount of large-scale generation shortfall that the liable entity had for the assessment year; and
 (e) any other information required by the regulator

Small-scale technology shortfall statement

- (4) A liable entity that has a small-scale technology shortfall must lodge a small-scale technology shortfall statement
- (a) 14 February in the next year; or
 (b) any later day allowed by the Regulator.
- (5) The statement must set out:
- (a) the name and postal address of the liable entity;
 (b) the liable entity's small-scale technology shortfall

(c) the amount of small-scale technology shortfall c
entity for the assessment year; and

(d) any other information required by the regulation

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1A—Exemption certificates

Application for exemption certificate

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- (ii) if the prescribed person is, or will be, a liable entity;
- (2) The application must:
 - (a) be in a form approved by the Regulator; and
 - (b) include any information prescribed by the regulations;
 - (ba) be accompanied by any documents required by the regulations;
 - (bb) be accompanied by any report required by the regulations;
 - (c) be lodged with the Regulator in the time and manner prescribed by the regulations; and
 - (d) be signed by or on behalf of the applicant.
- (3) The regulations may provide that information required by the application must be verified by statutory declaration.

Exemption certificates

- (1) If an application is made under section 46A in respect of a liable entity, the Regulator (subject to section 46E) must issue the applicant with an exemption certificate in relation to the liable entity mentioned in the application (paragraph 46A(1)(b)). The certificate must:
 - (a) in accordance with regulations made for the purpose of this section, describe the amount that is the liable entity's eligible emissions-intensive trade-exposed activity for the application; and
 - (b) set out any other information prescribed by the regulations.
- (2) The Regulator must issue the certificate within the period prescribed by the regulations.
- (3) A certificate issued under subsection (1) is not a legislative instrument.
- (4) The regulations:
 - (a) must prescribe the method for working out the amount of the exemption for a year in relation to an emission-intensive trade-exposed activity and a site; and

- (b) may provide that an exemption certificate may
 - (i) specify the amount that is the liable entity's emissions-intensive trade-exposed activity

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regulator:

- (a) must have regard to the matters prescribed by the regulations;
 - (b) may have regard to any other matter that it considers appropriate.
- (3) The Regulator may also amend an exemption certificate in the circumstances prescribed by the regulations.
- (4) If the Regulator refuses to amend an exemption certificate, the Regulator must notify the person accordingly.

Note: An amendment of an exemption certificate under this section is made in relation to an activity if the Regulator is issuing an assessment under section 48 or 48B or an exemption certificate under section 49.

Minister may obtain information from corporation

- (1) This section applies to a corporation to which paragraph 1(1) applies if:
- (a) a person (who may be the corporation) has:
 - (i) indicated to the Commonwealth that the person is to be made an emissions-intensive trade-exposed activity;
 - (ii) provided information to the Commonwealth that satisfies any requirements of regulations made under paragraph 1(1); and
 - (b) that activity is not an emissions-intensive trade-exposed activity;
 - (c) the Minister believes on reasonable grounds that the activity is an emissions-intensive trade-exposed activity that relates to the activity and that is likely to be made an emissions-intensive trade-exposed activity or both of the following:
 - (i) deciding whether the activity should be made an emissions-intensive trade-exposed activity;
 - (ii) deciding how any exemption in relation to the activity is made an emissions-intensive trade-exposed activity.

Request for information and report

- (2) The Minister may, by written notice given to the corporation,
- (a) request the corporation to give to the Minister, within the period and in the manner specified in the notice, any such information.

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give to the Minister, within the period and in the manner specified in the notice, any such information.

- (5) A period specified under subsection (4) must not be shorter than the period specified in the notice is given.

Exemption certificates to be issued to corporation for 5 years if request not complied with

- (1) This section applies if:
- (a) a corporation is given a request under subsection (2) (the *request time*); and
- (b) the corporation is capable of complying with the request; and
- (c) the corporation refuses or fails to comply with the request; and
- (d) the Minister notifies the Regulator, in writing, that the corporation's non-compliance is significant.
- (2) No exemption certificates are to be issued to the corporation for:
- (a) the first year that begins after the request time; and
- (b) any of the next 4 years after that year.

Disclosure of information to the Regulator*Scope*

- (1) This section applies to information obtained under section 10.

Disclosure

- (2) The Minister may disclose the information to the Regulator in connection with, the performance of the functions, or the operations of the Regulator under this Act and the regulations.

Other powers of disclosure not limited

- (3) This section does not, by implication, limit the Minister's power to disclose information to a person other than the Regulator.

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2—Assessments

Division A—Large-scale generation shortfall charge

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Statement of large-scale generation shortfall charge
made, for the assessment year in relation to the

- (2) The statement has effect as an assessment of the liability (including any large-scale generation shortfall charge payable on the shortfall).
- (3) The assessment is taken to have been made on 14 February 2016, or the day on which the statement was lodged, whichever is the later.
- (4) The large-scale generation shortfall specified in the statement is taken to be the liable entity's large-scale generation shortfall for the assessment year.
- (5) The amount of large-scale generation shortfall charge payable on the shortfall is taken to be the amount of large-scale generation shortfall charge payable on the shortfall for the assessment year.
- (6) The statement has effect as if it were a notice of assessment given to the liable entity on the day on which the assessment was made.

It assessments of large-scale generation shortfall charge

- (1) If a liable entity has lodged an energy acquisition statement for the assessment year:
 - (a) the liable entity has not lodged a large-scale generation shortfall statement for the assessment year; and
 - (b) the Regulator is of the opinion that the liable entity has a large-scale generation shortfall for the year;
 the Regulator may make an assessment of the liable entity's large-scale generation shortfall for the year, and of the large-scale generation shortfall charge payable on the shortfall.
- (2) If:
 - (a) a liable entity has not lodged a large-scale generation shortfall statement for the assessment year; and

(b) the liable entity has also not lodged an energy a
and

(c) the Regulator is of the opinion that the liable en

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(b) in the case of an assessment under subsection (1)
account any large-scale generation certificates
under Subdivision A of Division 1 for the year

(c) in the case of an assessment under subsection (2)
the liable entity did not surrender any large-scale
Subdivision A of Division 1 for the year.

(4) Large-scale generation shortfall charge in relation to
under this section is taken to have become payable c

(5) An assessment for a year under this section cannot be
next year.

ion B—Small-scale technology shortfall charge

Small-scale technology shortfall statement taken to be ass small-scale shortfall charge

- (1) This section applies if:
 - (a) a liable entity lodges a small-scale technology s
assessment year); and
 - (b) a small-scale technology shortfall statement has
assessment of small-scale shortfall charge has
assessment year in relation to the liable entity.
- (2) The statement has effect as an assessment of the liab
shortfall for the assessment year and of the small-sca
payable on the shortfall.
- (3) The assessment is taken to have been made on 14 Fe
which the statement was lodged, whichever is the la
- (4) The small-scale technology shortfall specified in the
entity's small-scale technology shortfall for the asse

- (5) The amount of small-scale technology shortfall charge to be the amount of small-scale technology shortfall for the assessment year.

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year, and

- (b) the Regulator is of the opinion that the liable entity has not lodged an energy assessment for the year;

the Regulator may make an assessment of the liable entity's small-scale technology shortfall for the year, and of the small-scale technology shortfall.

- (2) If:

- (a) a liable entity has not lodged a small-scale technology assessment for the year;

- (b) the liable entity has also not lodged an energy assessment for the year;

- (c) the Regulator is of the opinion that the liable entity has not lodged an energy assessment for the year;

the Regulator may make an assessment of the liable entity's small-scale technology shortfall for the year, and of the small-scale technology shortfall.

- (3) For the purpose of making an assessment under subsection (2):

- (a) the liable entity's small-scale technology shortfall for the year, in the Regulator's opinion, might reasonably be expected to be less than the amount of the small-scale technology shortfall;

- (b) the Regulator is to take into account any small-scale technology assessment surrendered by the liable entity for any of the years in the year for which the Regulator is making the assessment under Subdivision A of Division 1.

- (4) Small-scale technology shortfall charge in relation to a liable entity under this section is taken to have become payable on the day that the liable entity is assessed under this section.

- (5) An assessment for a year under this section cannot be made for the next year.

ion C—Other provisions relating to assessments

dment of assessments

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evasion—at any time; or

(b) in any other case—within 4 years from the day on which the assessment was made, amend the assessment by making any alterations or amendments necessary to correct the assessment.

(3) Subject to subsection (5), an amendment effecting a reduction in the amount payable under an assessment is not effective unless it is made after the day on which the assessment was made.

(4) If an assessment has, under this section, been amended, the liable entity may, within 4 years from the day on which renewable energy shortfall charges become payable under the amended assessment, make, in or through a further amendment in the assessment that, in the Regulations, is made to take effect, effect such reduction in the liable entity's liability under the assessment.

(5) If:

(a) a liable entity applies for an amendment of the liability under the assessment within 4 years from the day that renewable energy shortfall charges become payable under the assessment; and

(b) within that period, the liable entity lodges all information necessary to enable the Regulator to decide the application;

the Regulator may amend the assessment when the 4 year period has elapsed.

(6) Nothing in this section prevents the amendment of an assessment if:

(a) a decision on any review or appeal; or

(b) a decision to reduce any particular following the assessment is made after any review or appeal.

(7) Renewable energy shortfall charge under an amended assessment becomes payable:

(a) if the amendment is wholly or partly as a result of an amendment made after the day on which the amended assessment is made

- (b) in any other case—on the day on which charge
became payable.

d of overpaid amounts

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Commonwealth and refund any part of th

- (2) In subsection (1):

overpaid amount includes any overpaid amount of p

ded assessment to be an assessment

Except as otherwise expressly provided by this Act, a
be an assessment for all the purposes of this Act.

of assessment

As soon as practicable after an assessment is made ur
amended under section 49, the Regulator must give
amendment (as the case may be) to the liable entity

ty of assessment

The validity of an assessment is not affected because
been complied with.

lication of Division

This Division does not apply in relation to an assessn

–Objections, reviews and appeals

1—Objections to and review of assessments

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Objections are to be made

A liable entity making an objection must:

- (a) make it in writing; and
- (b) lodge it with the Regulator within 60 days after
- (c) state in it, fully and in detail, the grounds that th

Objection rights in the case of certain amended assessments

If the objection is made against an amended assessment, the period for objecting against the amended assessment is limited to 60 days after the amendments or additions made as part of the amendment of the a

Requests for extension of time

- (1) If the 60 days specified in paragraph 55(b) have passed, the liable entity may nevertheless lodge the objection with the Regulator and ask the Regulator to deal with the objection as if it were lodged within 60 days.
- (2) The request must state fully and in detail the circumstances for, the liable entity's failure to lodge the objection within 60 days.
- (3) After considering the request, the Regulator must decide whether to grant it.
- (4) The Regulator must give the liable entity written notice of its decision.
- (5) If the Regulator decides to agree to the request, then, the objection is taken to have been lodged with the Regulator within 60 days.
- (6) If the Regulator decides to refuse the request, the liable entity may apply to the Administrative Appeals Tribunal for review of the decision.

ator to decide objections

- (1) If the objection has been lodged with the Regulator v
must decide whether to:

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- (1) This section applies if the objection has been lodged
days and the Regulator has not made an objection de
the following times:
- (a) the end of the period (the *original 60-day perio*
later of the following days:
- (i) the day on which the objection is lodged w
(ii) if the Regulator decides under section 57 to
objection—the day on which the decisior
- (b) if the Regulator, by written notice served on the
60-day period, requires the liable entity to give
objection—the end of the period of 60 days af
information.
- (2) The liable entity may give the Regulator a written no
an objection decision.
- (3) If the Regulator has not made an objection decision l
after being given the notice, then, at the end of that p
have made a decision under subsection 58(1) to disa

entity may seek review of, or appeal against, Regulator's

If the liable entity is dissatisfied with the Regulator's
may either:

- (a) apply to the Administrative Appeals Tribunal fo
(b) appeal to the Federal Court against the decision

Note: Time limits for making applications to the Administ
to procedures before that Tribunal are set out in the .

ids of objection and burden of proof

In proceedings under this Part on a review before the
on appeal to the Federal Court:

- (a) the liable entity is, unless the Administrative Ap otherwise orders, limited to the grounds stated
- (b) the burden of proving that a prescribed decision

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Where the Federal Court hears an appeal against an o the Court may make such order in relation to the dec order confirming or varying the decision.

mentation of Federal Court order in respect of objection c

- (1) When the order of the Federal Court in relation to the Regulator must, within 60 days, take such action, in determination concerned, as is necessary to give effe
- (2) For the purposes of subsection (1):
 - (a) if the order is made by the Federal Court constit appeal is lodged against the order within the p order becomes final at the end of the period; an
 - (b) if the order is made by the Full Court of the Fed special leave to appeal to the High Court agair period of 30 days after the order is made—the the period.

ng appeal not to affect implementation of decisions

The fact that an appeal is pending in relation to a dec interfere with, or affect, the decision and any renewa charge, interest charge or other amount may be reco

2—Review of other decisions

Number of decisions

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	person		
1A	in relation to an application under section 12A (about provisional accreditation of power stations)	section 12B	the applica
2	in relation to an application for accreditation of a power station	section 14	the applica accreditati
3	to refuse to accredit a power station	section 15	the applica accreditati
3A	to amend, or to refuse to amend, an electricity generation return	section 20A	the nomin: the accred station cor
4	not to register a certificate	section 26	the person certificate.
5	to suspend a person's registration	section 30 or 30A	the registe
5A	to refuse to approve a person as the nominated person for an accredited power station	section 30B	the person
5B	to vary, or to refuse to vary, a determination under paragraph 14(1)(a)	section 30C	the nomin: the accred station cor
5C	to suspend the accreditation of an accredited power station	section 30D or 30E	the nomin: the power
5D	to vary the 1997 eligible renewable power baseline for an accredited power station	section 30F	the nomin: the power
5DA	to vary the 2008 WCMG limit for an accredited power station	section 30G	the nomin: the power
5DB	to refuse to determine an amount, or to determine an amount that is different from the proposed amount	section 38AF or 38AG	the applica determinat
5E	to amend, or to refuse to amend, an energy acquisition statement	section 45A or 45B	the liable c

Table of reviewable decisions

Item	For a decision ...	made under ...	the affect
5F	to amend, or to refuse to amend, an exemption	section 46C	the person certificate

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- (b) given to the Regulator within 60 days of the ma
- (3) The Regulator must reconsider the decision and conf
- Note: Section 27A of the *Administrative Appeals Tribunal* of the person's review rights.
- (4) The Regulator is taken to have confirmed the decisio
Regulator does not give written notice of the Regula
within 60 days of the request.
- (5) Applications may be made to the Administrative App
decision of the Regulator under subsection (3) to cor

–Collection and recovery of charge

1—General rules about collection and recovery Renewable Energy (Electricity) Act 2000



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for that year—on the day on which the statement

Note: For when large-scale generation shortfall charge is payable on the day on which the large-scale generation shortfall statement, see subsection 10(1).

Small-scale technology shortfall charge

- (2) Small-scale technology shortfall charge for a year is
- (a) if, on or before 14 February in the next year, the liable entity lodges a small-scale technology shortfall statement for that year—on the day on which the statement is lodged,
 - (b) if, after that day, the liable entity lodges a small-scale technology shortfall statement for that year—on the day on which the statement is lodged.

Note: For when small-scale technology shortfall charge is payable on the day on which the small-scale technology shortfall statement, see subsection 10(1).

penalty charge becomes due and payable

Penalty charge becomes payable on the day specified in the assessment of that charge.

Time for payment

The Regulator may, in such circumstances as the Regulator determines, require the payment of an amount of a renewable energy shortfall charge for a period as the Regulator determines, and, if the Regulator determines, accordingly.

Penalty for unpaid renewable energy shortfall charge or unpaid

Unpaid renewable energy shortfall charge

- (1) If an amount (the **unpaid amount**) of renewable energy shortfall charge is not paid by the time by which the liable entity is liable to pay, by way of penalty, interest charge and a daily amount for each day in the period that:

- (a) started at the beginning of the day by which the shortfall charge was due to be paid; and
- (b) finishes at the end of the last day on which, at th

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period that:

- (a) started at the beginning of the day by which the due to be paid; and
- (b) finishes at the end of the last day on which, at th following remains unpaid:
 - (i) the penalty charge;
 - (ii) interest charge on any of the penalty charg

Amount of interest charge

- (3) The amount of the interest charge for a day is worked amount by the general interest charge rate for the da

When interest charge becomes due and payable

- (4) The interest charge for a day is due and payable at th

ery of renewable energy shortfall charge related liability

- (1) A renewable energy shortfall charge related liability 1
 - (a) is a debt due to the Commonwealth; and
 - (b) payable to the Regulator in the manner and at th
- (2) The Regulator may sue in his or her official name in recover an amount of a renewable energy shortfall c unpaid after it has become due and payable.

e of documents if a person is absent from Australia or can

- (1) This section applies if a document needs to be served proceeding to recover an amount of a renewable ene and the Regulator, after making reasonable inquiries
 - (a) the person is absent from Australia and does not whom the document can be served; or

(b) the person cannot be found.

(2) The Regulator may, without the court's leave, serve t
sealed copy of it, in a letter addressed to the person :

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2—Special rules about collection and recovery

Division A—Recovery from a third party

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- (b) a judgment debt for a renewable energy shortfall;
- (c) costs for such a judgment debt;
- (d) an amount that a court has ordered the debtor to pay in respect of the debtor's conviction for an offence against this Act or a civil penalty order against the debtor.

Regulator may give notice to a person

- (2) The Regulator may give a written notice to a person if the third party owes or may later owe money to the Regulator.

Third party regarded as owing money in these circumstances

- (3) The third party is taken to owe money (the **available money**) to the Regulator if:
 - (a) is a person by whom the money is due or accruing;
 - (b) holds the money for, or on account of, the debtor;
 - (c) holds the money on account of some other person;
 - (d) has authority from some other person to pay the money to the Regulator.
 The third party is so taken to owe the money to the Regulator if:
 - (e) the money is not due, or is not so held, or payable only on a condition that is fulfilled; and
 - (f) the condition has not been fulfilled.

How much is payable under the notice

- (4) A notice under this section must:
 - (a) require the third party to pay to the Regulator the amount of the available money, not exceeding the lesser of:
 - (i) the debt; or
 - (ii) the available money; or
 - (b) if there will be amounts of the available money payable by the third party to pay to the Regulator a specified amount.

each amount of the available money, until the

When amount must be paid

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Setting-off amounts

- (7) If a person other than the third party has paid an amount or part of the debt:
- (a) the Regulator must notify the third party of that
 - (b) any amount that the third party is required to pay is the amount so paid.

to Commonwealth, State or Territory

If the third party is the Commonwealth, a State or a Territory, notice to a person who:

- (a) is employed by the Commonwealth, or by the State or Territory and
- (b) has the duty of disbursing public money under an authority of the State or Territory (as appropriate).

Penalty

An amount that the third party pays to the Regulator in respect of which the Regulator has been authorised by:

- (a) the debtor; and
- (b) any other person who is entitled to all or a part of the amount and the third party is indemnified for the payment.

Offence

- (1) The third party must not fail to comply with the Regulator's requirements.

Penalty: 30 penalty units.

Note 1: Chapter 2 of the *Criminal Code* sets out the general

Note 2: See section 4AA of the *Crimes Act 1914* for the current

- (2) The court may, in addition to imposing a penalty on a person against subsection (1) in relation to failing to pay an amount to the Regulator an amount not exceeding

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- (3) The Regulator must, as soon as practicable, notify the company of the **notified amount** that the Regulator considers is encumbered by the company's renewable energy shortfall charge related liabilities to which notice is given.
- (4) The liquidator must not, without the Regulator's permission, dispose of the company's assets before receiving the Regulator's notice.
- (5) However, subsection (4) does not prevent the liquidator from using the company's assets to pay debts of the company not covered by either
- the outstanding renewable energy shortfall charge;
 - any debts of the company which:
 - are unsecured; and
 - are not required, by an Australian law, to be set aside in favour of the other debts of the company.
- (6) After receiving the Regulator's notice, the liquidator must use the assets available for paying amounts covered by paragraph (5) to pay the notified amount of assets with a value calculated using the formula:

$$\text{Total value of assets available to pay ordinary debts} \times \frac{\text{Notified amount}}{\text{Notified amount} + \text{Amount remaining to pay ordinary debts}}$$

where:

amount of remaining ordinary debts means the sum of the value of the assets other than the outstanding renewable energy shortfall charge related liabilities.

- (7) The liquidator must, in his or her capacity as liquidator, set aside the notified amount of assets that the liquidator is required to set aside.

- (8) The liquidator is personally liable to discharge the liabilities if the liquidator contravenes this section.

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If there are 2 or more persons who become liquidator and liabilities under this Subdivision:

- (a) apply to all the liquidators; but
- (b) may be discharged by any of them.

liquidator's other obligation or liability

This Subdivision does not reduce any obligation or liability elsewhere.

Division C—Recovery from receiver

Receiver's obligation

- (1) This Subdivision applies if:
 - (a) a person (the *receiver*), in the capacity of receiver in possession of a company's assets for the company,
 - (b) the company is, or has been, a liable entity.
- (2) Within 14 days after taking possession of the assets, the receiver must give notice of that fact to the Regulator.
- (3) The Regulator must, as soon as practicable, notify the receiver of the *notified amount* that the Regulator considers is encumbered by renewable energy shortfall charge related liabilities to which notice is given.
- (4) The receiver must not, without the Regulator's permission, dispose of the company's assets before receiving the Regulator's notice.
- (5) However, subsection (4) does not prevent the receiver from using the assets to pay debts of the company not covered by the notified amount:
 - (a) the outstanding renewable energy shortfall charge related liabilities;
 - (b) any debts of the company which:

- (i) are unsecured; and
- (ii) are not required, by an Australian law, to be the other debts of the company.

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where:

amount of remaining ordinary debts means the sum of the amounts of the debts of the company other than the outstanding renewable energy shortfall.

- (7) The receiver must, in his or her capacity as receiver, discharge the outstanding renewable energy shortfall to the extent of the value of the assets that the receiver is required to realise.
- (8) The receiver is personally liable to discharge the liability if the receiver contravenes this section.

ce

The receiver must not fail to comply with subsection (7).

Penalty: 30 penalty units.

Note 1: Chapter 2 of the *Criminal Code* sets out the general law of criminal responsibility.

Note 2: See section 4AA of the *Crimes Act 1914* for the current law of criminal responsibility.

liability of 2 or more receivers

If 2 or more persons (the ***receivers***) take possession of the property of a company's debenture holders, in the capacity of receiver, the obligations and liabilities under this Subdivision are:

- (a) all the receivers; but
- (b) may be discharged by any of them.

Receiver's other obligation or liability

This Subdivision does not reduce any obligation or liability of a receiver arising elsewhere.

Division D—Recovery from agent winding up business for principal

Division of agent winding up business for non-resident principal Renewable Energy (Electricity) Act 2000



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fact to the Regulator.

- (3) The Regulator must, as soon as practicable after receiving the amount (the *notified amount*) that the Regulator has when the notice is given.
- (4) Before receiving the Regulator's notice, the agent must, with the permission, part with any of the principal's assets that are used to discharge any outstanding renewable energy shortfall charge related to the principal's business.
- (5) After receiving the notice, the agent must set aside:
 - (a) out of the assets available for discharging the outstanding renewable energy shortfall charge related liabilities, assets to the extent of the value of those liabilities;
 - (b) all of the assets so available, if their value is less than the value of those liabilities.
- (6) The agent must, in that capacity, discharge the outstanding renewable energy shortfall charge related liabilities, to the extent of the value of those liabilities, from the assets so set aside.
- (7) The agent is personally liable to discharge the liability if the agent contravenes this section.

ce

A person must not fail to comply with subsection 85(1).

Penalty: 30 penalty units.

Note 1: Chapter 2 of the *Criminal Code* sets out the general provisions relating to criminal liability.

Note 2: See section 4AA of the *Crimes Act 1914* for the current provisions relating to criminal liability.

Liability of 2 or more agents

If 2 or more agents are jointly instructed by the principal to discharge the principal's obligations and liabilities under this Subdivision:

- (a) apply to all the agents; but
- (b) may be discharged by any of them.

Another obligation on liability:

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- (a) a person has an outstanding renewable energy s
the person dies; and
- (b) either of the following is granted after the death
 - (i) probate of the person's will;
 - (ii) letters of administration of the person's est
- (2) The Regulator may, in respect of the liability, deal w
person's estate as if:
 - (a) the deceased person were still alive; and
 - (b) the trustee were the deceased person.
- (3) Without limiting subsection (2), the trustee must:
 - (a) provide any statement and other information tha
provide, or would have been liable to provide :
 - (b) provide any other information relating to the lia
and
 - (c) in the trustee's representative capacity, discharg
imposed in respect of the liability under this A
would be liable if he or she were still alive.
- (4) If:
 - (a) the amount of the liability requires an assessme
has not been made; and
 - (b) the trustee fails to provide a statement or other i
that amount as required by the Regulator;
 the Regulator may assess that amount. If the Regula
same effect as if it were made under this Act.
- (5) A trustee who is dissatisfied with an assessment unde
manner set out in Division 1 of Part 6.
- (6) Division 1 of Part 6 applies in relation to the objectic
person.

ministered estate

- (1) This section applies if neither of the following is granted by the will of a person's death:

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- (4) A notice of the determination is conclusive evidence of the amount of the energy shortfall charge related liabilities, unless the person is a person to whom Division 1 of Part 6 applies.
- (5) A person who is dissatisfied with the determination made under Division 1 of Part 6 if the person:
- (a) claims an interest in the estate; or
 - (b) is granted probate of the deceased person's will or is an executor of the will of the deceased person.
- (6) Division 1 of Part 6 applies in relation to the object of the determination made by the deceased person.

3—Other matters

this Division is about

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of recovery if another person is liable

A person who has paid an amount of a renewable energy charge for or on behalf of another person may:

- (a) recover that amount from the other person as a debt (or as a recovery) in a court of competent jurisdiction;
- (b) retain or deduct the amount out of money held by or payable to, the other person.

of contribution if persons are jointly liable

- (1) If 2 or more persons are jointly liable to pay an amount of a renewable energy charge related liability, they are each liable for the whole of that liability.
- (2) If one of the persons has paid an amount of the liability in a court of competent jurisdiction, as a debt, from another person, that person is entitled to recover from the other person:
 - (a) an amount equal to so much of the amount paid;
 - (b) an amount equal to so much of the costs of recovery as the court considers just and equitable.

Regulator may authorise amount to be recovered

- (1) The Regulator may, in writing, authorise a person (the authorised person) to recover from the estate of a deceased person:
 - (a) the total amount of the outstanding renewable energy liabilities of a deceased person as determined by the Regulator (including unadministered estates); and
 - (b) any reasonable costs incurred by the authorised person in recovering the amount by seizing and disposing of any property of the deceased person.
- (2) The authorised person may seize and dispose of the property in accordance with the regulations.

–Refunding large-scale generation shortfall

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entity's large-scale generation shortfall statement for
ends 3 years after the liable entity paid the large-sca

- (3) The liable entity must specify the charge year in resp
generation certificates are being surrendered.

of certificates surrendered

- (1) The *certificate value* for a large-scale generation cer
is equal to the large-scale generation shortfall charge
the charge year specified under subsection 95(3).
- (2) The total of the certificate values of large-scale gene
liable entity under section 95 in respect of a year mu
large-scale generation shortfall charge paid by the li

icates can only be surrendered if there is no shortfall

A liable entity may only surrender large-scale generat
in the year immediately prior to the year in which th
the liable entity did not have a large-scale generati

d of charge where certificates surrendered

If a liable entity surrenders large-scale generation cer
Regulator must pay the liable entity the amount wor

$Certificate\ value - Administration\ fee$

where:

administration fee is the amount worked out under 1

–Penalty charge

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(c) information relevant to assessing the liable entity's generation shortfall charge for the assessment

Note: If the liable entity refuses or fails to lodge an energy acquisition statement, the liable entity is also liable to penalty charge under section 99A.

- (2) A liable entity is liable to pay, by way of penalty, per
 - (a) the liable entity is liable to pay large-scale generation shortfall charge for the *assessment year*); and
 - (b) the liable entity fails to keep a record in relation to the details of the basis of calculation of the following:
 - (i) the amount of electricity acquired under the energy acquisition statement for the *assessment year*;
 - (ii) the value, in MWh, of large-scale generation shortfall charge for the *assessment year*;
 - (iii) any carried forward shortfall or carried forward surplus for the *assessment year*;
 - (iv) any carried forward surplus for the *assessment year*.
- (3) A liable entity is liable to pay, by way of penalty, per
 - (a) the liable entity is liable to pay large-scale generation shortfall charge for the *assessment year*); and
 - (b) the liable entity refuses or fails to produce to the Regulator, by the Regulator under this Act, a document containing details of the basis of calculation of the amounts referred to in paragraph (a), including the energy acquisition statement for the *assessment year*.
- (4) Subject to subsection (5), the penalty charge payable by a liable entity is equal to double the amount of large-scale generation shortfall charge payable by the liable entity for the *assessment year*.
- (5) If a liable entity has already become liable to penalty charge under subsection (2) or (3) of a particular refusal or failure that relates to a year

further amount of penalty charge under this section 1
failure that relates to the same year.

ltv charge for failure to provide statements or informatio

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technology shortfall charge for the assessment

Note: If the liable entity refuses or fails to lodge an energy
also liable to penalty charge under section 99.

- (2) A liable entity is liable to pay, by way of penalty, per
 - (a) the liable entity is liable to pay small-scale techn (the *assessment year*); and
 - (b) the liable entity fails to keep a record in relation details of the basis of calculation of the follow the liable entity's energy acquisition statement
 - (i) the amount of electricity acquired under re assessment year;
 - (ii) the value, in MWh, of small-scale technolo quarters of the assessment year.
- (3) A liable entity is liable to pay, by way of penalty, per
 - (a) the liable entity is liable to pay small-scale techn (the *assessment year*); and
 - (b) the liable entity refuses or fails to produce to the by the Regulator under this Act, a document co calculation of the amounts referred to in parag energy acquisition statement for the assessmer
- (4) Subject to subsection (5), the penalty charge payable equal to double the amount of small-scale technolog entity for the assessment year.
- (5) If a liable entity has already become liable to penalty of a particular refusal or failure that relates to a year further amount of penalty charge under this section 1 failure that relates to the same year.

or misleading statements

- (1) If:
 - (a) a liable entity other than a government body:

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entity if it were assessed on the basis that the s
misleading;

the liable entity is liable to pay, by way of penalty, p
amount of the excess referred to in paragraph (b).

- (2) A reference in this section to a statement made to a p
this Act is a reference to a statement made orally, in
or in any other form and, for example, includes a sta
 - (a) made in an objection, statement or other docum
prepared for the person; and
 - (b) made in answer to a question asked by the persc
 - (c) made in any information provided to the person

ity charge where arrangement to avoid renewable energy

If, under section 41, a liable entity is liable to pay an
shortfall charge (the *amount payable*) that is greater
been payable if section 41 had not applied to the liab
liable entity is also liable to pay, by way of penalty, ;
formula:

$$? \times \left[\text{Amount payable} - \text{Notional amount} \right]$$

ssment of penalty charge

- (1) The Regulator must make an assessment of the penal
under this Part and must, as soon as practicable after
written notice of the assessment to the liable entity.
- (2) Nothing in this Act is taken to prevent a notice from
any other assessment made in relation to the liable e

itting penalty charge

The Regulator may remit all or part of the penalty ch:
this Part, but, for the purposes of applying subsectio

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Administration

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—Audit

1—Overview

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Division 3 sets out the powers of authorised officers and the obligations imposed on authorised officers in the exercise of those powers.

Division 5 deals with an occupier's rights and responsibilities when an authorised officer seeks to exercise audit powers.

Division 6 deals with the procedure for obtaining, and the use of, warrants.

2—Appointment of authorised officers and ident

Appointment of authorised officers

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- (2) The Regulator is not to appoint a person as an authorised officer unless the Regulator is satisfied that the person is of sufficient maturity, and is able to properly exercise the powers of an authorised officer.
- (3) In exercising powers or performing functions as an authorised officer, an authorised officer must comply with any directions of the Regulator.

Identity cards

- (1) The Regulator must issue an identity card to an authorised officer if the Regulator is satisfied by the regulations that the person is qualified to be an authorised officer. The identity card must contain a photograph of the authorised officer.
- (2) An authorised officer must carry the identity card at all times when performing functions as an authorised officer.

Offences related to identity cards

A person commits an offence if:

- (a) the person has been issued with an identity card;
- (b) the person ceases to be an authorised officer; and
- (c) the person does not, immediately after so ceasing to be an authorised officer, return the identity card to the Regulator.

Penalty: 1 penalty unit.

Note: Chapter 2 of the *Criminal Code* sets out the general

3—Powers of authorised officer

Division A—Monitoring powers

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- (2) An authorised officer is not authorised to enter premises
 - (a) the premises are business premises, the occupier has consented to the entry and the officer has shown his or her identity to the occupier; or
 - (b) the entry is made under a monitoring warrant.
- (3) If an authorised officer is on the premises with the consent of the occupier, the authorised officer must leave the premises if the occupier asks the officer to do so.

Monitoring powers of authorised officers

- (1) For the purposes of this Part, the following are the monitoring powers an authorised officer may exercise in relation to premises under section 10:
 - (a) the power to search the premises for any thing connected with the creation or transfer of certificates or relevant applications;
 - (b) the power to examine any activity conducted on the premises and any information provided for the purposes of this Act or the regulations;
 - (c) the power to examine any thing on the premises and any information provided for the purposes of this Act or the regulations;
 - (d) the power to take photographs or make video or audio recordings of the premises of any such activity or thing;
 - (e) the power to inspect any document on the premises and any information provided for the purposes of this Act or the regulations;
 - (f) the power to take extracts from, or make copies of, any such document or information;
 - (g) the power to take onto the premises such equipment as the authorised officer requires for the purpose of exercising powers under this section;
 - (h) the power to secure a thing that:
 - (i) is found during the exercise of monitoring powers under this section;
 - (ii) an authorised officer believes on reasonable grounds is evidence of the commission of an offence against this Act or the regulations or the contravention of a civil penalty provision.

- (iii) the authorised officer believes on reasonable grounds that the thing has been or tampered with before a warrant can be obtained until a warrant is obtained to seize the thing;

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contains information that is relevant to substantiating a claim under the Act or the regulations.

- (3) For the purposes of this Part, **monitoring powers** in relation to information described in subsection (2) for the purposes of that subsection:
- (a) the power to operate facilities at the premises to produce, store, form and copy the documents so produced;
 - (b) the power to operate facilities at the premises to produce, store, copy or other storage device that:
 - (i) is brought to the premises for the exercise of the power;
 - (ii) is at the premises and the use of which for the purposes of the power is writing by the occupier of the premises;
 - (c) the power to remove from the premises a disk, tape or other storage device if the information has been transferred in exercise of the power.

Division B—Power of authorised officer to ask questions and require production in certain circumstances

Section 100—Authorised officer may request or require persons to answer questions

Requesting

- (1) If the authorised officer was only authorised to enter the premises consented to the entry—the authorised officer may:
- (a) answer any questions related to the creation or the provision of electricity or the provision of information under the regulations that are put by the authorised officer;
 - (b) produce any document requested by the authorised officer.

Requiring

- (2) If the authorised officer was authorised to enter the premises under subsection (1)—the authorised officer has power to require any person to answer any questions or to produce any document requested by the authorised officer.

- (a) answer any questions related to the creation or t
acquisitions of electricity or the provision of it
regulations that are put by the authorised offic

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- (2) A person is excused from complying with a requirem
answer to the question or the production of the docu
person or expose the person to a penalty.

Note: A defendant bears an evidential burden in relation to
subsection 13.3(3) of the *Criminal Code*.

4—Obligations and incidental powers of authorised officer

authorised officer must produce identity card on request

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- (1) Before obtaining the consent of a person for the purpose of an authorised officer must inform the person that he or she is authorised to enter the premises.
- (2) An entry of an authorised officer by virtue of the consent of the person voluntarily consented to the entry.

Announcement before entry

An authorised officer executing a monitoring warrant under the warrant:

- (a) announce that he or she is authorised to enter the premises;
- (b) give any person at the premises an opportunity to object to the entry.

Conditions of monitoring warrant to be given to occupier etc. before entry

- (1) If a monitoring warrant is being executed and the occupier or another person who apparently represents the occupier objects, the authorised officer must make available to that person a copy of the warrant.
- (2) The authorised officer must identify himself or herself to the occupier or other person.
- (3) The copy of the warrant referred to in subsection (1) must be a copy of the warrant as issued by the magistrate who issued the warrant.

Note: Monitoring warrants are issued under section 125.

Limitations on powers of authorised officer in exercising monitoring powers

- (1) An authorised officer or a person assisting that officer must not enter premises in order to exercise monitoring powers if, on reasonable grounds, that the operation of the equipment would cause damage to the equipment.
- (2) If the authorised officer or a person assisting that officer enters premises on reasonable grounds, that:

- (a) there is on the premises material relating to info the regulations that may be accessible by oper: premises; and

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Equipment may be secured for up to 24 hours.

- (4) The equipment may be secured:
 - (a) for a period not exceeding 24 hours; or
 - (b) until the equipment has been operated by the ex whichever first happens.
- (5) If an authorised officer or a person assisting that offi that the expert assistance will not be available within magistrate for an extension of the period.
- (6) The authorised officer or a person assisting that offic of the premises of his or her intention to apply for an entitled to be heard in relation to that application.
- (7) The provisions of this Part relating to the issue of mc modifications as are necessary, to the issue of an ext
- (8) In this section:

premises means:

 - (a) premises that an authorised officer has entered, the occupier; and
 - (b) warrant premises.

compensation for damage to electronic equipment

- (1) If:
 - (a) damage is caused to equipment as a result of it l section 120; and
 - (b) the damage was caused as a result of:
 - (i) insufficient care being exercised in selectir equipment; or
 - (ii) insufficient care being exercised by the per compensation for the damage is payable to the owne

- (2) The Regulator must pay the owner such reasonable c
Regulator agree on. If the Regulator and the owner f
proceedings in the Federal Court of Australia for suc

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5—Occupier's rights and responsibilities

Occupier entitled to be present during execution of monitoring

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premises at the same time.

Occupier to provide authorised officer with all facilities and as

The occupier of warrant premises, or another person who is the occupier, must provide the officer executing the warrant with all reasonable facilities and assistance for the exercise of the officer's powers.

Offences related to warrants

A person commits an offence if the person fails to comply with section 123.

Penalty: 10 penalty units.

Note: Chapter 2 of the *Criminal Code* sets out the general

6—Warrants

Monitoring warrants

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- (3) The magistrate must not issue the warrant unless the person has given to the magistrate, either orally or by written statement (if any) as the magistrate requires concerning the grounds for which the warrant is being sought.
- (4) The warrant must:
 - (a) authorise one or more authorised officers (whether or not accompanied with such assistance and by such force as is necessary) to:
 - (i) to enter the premises; and
 - (ii) to exercise the powers set out in section 11
 - (b) state whether the entry is authorised to be made only during specified hours of the day; and
 - (c) specify the day (not more than 6 months after the day the warrant ceases to have effect; and
 - (d) state the purpose for which the warrant is issued.

A—Information-gathering powers

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the notice, any such information; or

(b) to produce to the Regulator, within the period and in accordance with the notice, any such documents; or

(c) if the person is an individual—to appear before the Regulator at a time and place specified in the notice to give any such evidence or to produce any such documents; or

(d) if the person is a body corporate—to cause a person to appear before the Regulator at a time and place specified in the notice to give any such evidence, either orally or in writing, and to produce any such documents.

(3) A notice under subsection (2) must set out the effect of:

(a) subsection (4); and

(b) section 125E; and

(c) sections 137.1 and 137.2 of the *Criminal Code*.

Note: Sections 137.1 and 137.2 of the *Criminal Code* create offences for failing to give information or documents.

(4) A person commits an offence if:

(a) the person is given a notice under this section; and

(b) the person fails to comply with the notice.

Penalty for contravention of this subsection: 20

f-incrimination

(1) An individual is not excused from giving information or producing a document under this Part on the ground that the information or production of the document might tend to incriminate the individual to a penalty.

(2) However:

(a) the information or evidence given or the document produced;

- (b) any information, document or thing obtained as giving the information or evidence or producing it is not admissible in evidence against the individual in question.

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Regulator may retain documents

- (1) The Regulator may take, and retain for as long as is necessary, any document or thing produced under this Part.
- (2) The person otherwise entitled to possession of the document or thing must, as soon as practicable, with a copy certified by the Regulator, produce to the Regulator a copy of the document or thing.
- (3) The certified copy must be received in all courts and tribunals in place of the original.
- (4) Until a certified copy is supplied, the Regulator must, if the Regulator thinks appropriate, permit the person otherwise entitled to possession of the document, or a person authorised by that person, to take extracts from, the document.

False or misleading evidence

A person commits an offence if:

- (a) the person gives evidence to another person; and
- (b) the person does so knowing that the evidence is false or misleading in a particular; and
- (c) the evidence is given in compliance or purported compliance with a requirement of the Regulator.

Penalty: Imprisonment for 12 months.

—Publication of information

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- (ii) the proportion of that shortfall relative to the total of the large-scale renewable energy for that year;
- (c) the total of the large-scale generation shortfalls for that year.

Information relating to small-scale technology shortfalls

- (2) The Regulator may publish:
 - (a) a list of each liable entity that has a small-scale technology shortfall for that year; and
 - (b) the amount of each liable entity's small-scale technology shortfall for that year;
 - (c) the total of the small-scale technology shortfalls for that year.

—Registers

1—General

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(d) the register of applications for accredited power

2—The register of registered persons

ents of register of registered persons

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- (a) the name of the person,
- (b) the person's registration number;
- (c) the period for which the registration is suspended;
- (d) any other information that the Regulator considers appropriate.

1 of register

- (1) The register must be maintained by electronic means
- (2) The register is to be made available for inspection or

3—The register of accredited power stations

ents of register of accredited power stations

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any variation of that limit under section 30G);

(d) any other information that the Regulator consid

1 of register

- (1) The register must be maintained by electronic means
- (2) The register is to be made available for inspection or

4—The register of large-scale generation certificates

contents of register of large-scale generation certificates

Renewable Energy (Electricity) Act 2000



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and

(e) any other information that the Regulator considers

1 of register

- (1) The register must be maintained by electronic means
- (2) The register is to be made available for inspection or
- (3) The Regulator must ensure that the register is kept up

4A—The register of small-scale technology certif

ontents of register of small-scale technology certificates

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relation to an air source heat pump water

relation to a small generation unit (as app

- (d) if the certificate was created by the Regulator w
that effect; and
- (e) the name of the current registered owner, and ea
each certificate; and
- (f) any other information that the Regulator consid

orm of register

- (1) The register must be maintained by electronic means
- (2) The register is to be made available for inspection or
- (3) The Regulator must ensure that the register is kept up

5—The register of applications for accredited power

contents of register of applications for accredited power stations

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- (1) The register must be maintained by electronic means
- (2) The register is to be made available for inspection or

—Offences for failure to provide document

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Penalty: 30 penalty units.

(2) Subsection (1) is an offence of strict liability.

Note 1: Chapter 2 of the *Criminal Code* sets out the general
Chapter 3 of the *Criminal Code* contains general pri

Note 2: For strict liability, see section 6.1 of the *Criminal C*

(3) A person commits an offence if:

- (a) the person is required under this Act (other than
provide a document (including a statement or 1
another person within a specified time or by a
- (b) the person does not provide the document by th
(as the case requires).

Penalty: 6 months imprisonment.

Note: Chapter 2 of the *Criminal Code* sets out the general

A—Civil penalties

1—Civil penalty orders

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(d) a District Court or County Court of a State.

- (2) The jurisdiction conferred by this Division on the Su
conferred to the extent that the Constitution permits.

il penalty orders

Court may make civil penalty order

- (1) If a Court is satisfied that a person has contravened a
may order the person to pay the Commonwealth a p
(2) An order under subsection (1) is to be known as a *ci*

Amount of penalty for contravention of subsection 2

- (3) The pecuniary penalty for a contravention by an indi
not be more than the greater of:
- (a) 1 penalty unit for each renewable energy certific
relates, up to a maximum of 10,000 penalty un
(b) 100 penalty units.
- (4) The pecuniary penalty for a contravention by a body
must not be more than the greater of:
- (a) 5 penalty units for each renewable energy certif
relates, up to a maximum of 50,000 penalty un
(b) 500 penalty units.

Amount of penalty for contravention of subsection 1

- (5) The pecuniary penalty for a contravention, by an exe
of subsection 154N(1) must not be more than the mæ
could be imposed on the officer under this section if
contravention referred to in paragraph 154N(1)(a).

Amount of penalty for contravention of any other civ

- (6) The pecuniary penalty for a contravention by a person other than subsection 24A(1) or 154N(1), must not be more than

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- (a) the nature and extent of the contravention; and
- (b) the nature and extent of any loss or damage suffered by the person as a result of the contravention; and
- (c) the circumstances in which the contravention took place; and
- (d) whether the person has previously been found by the Regulator under the Act to have engaged in any similar conduct; and
- (e) the extent to which the person has cooperated with the Regulator; and
- (f) if the person is a body corporate:
 - (i) the level of the employees, officers or agents of the body corporate who were involved in the contravention; and
 - (ii) whether the body corporate exercised due diligence to prevent the contravention; and
 - (iii) whether the body corporate had a corporate governance policy in place at the time of the contravention; and
- (g) if the contravention is of subsection 24A(1)—whether the person has engaged in any other contravention of the Act in relation to any renewable energy certificates under section 24A(1) or 24B(1).

Civil enforcement of penalty

- (8) A pecuniary penalty is a civil debt payable to the Comptroller and the Comptroller may enforce the civil penalty order as if it were an order of a court of law against the person to recover a debt due by the person and the Comptroller taken to be a judgment debt.

Who may apply for a civil penalty order

- (1) Only the Regulator may apply for a civil penalty order.
- (2) Subsection (1) does not exclude the operation of the Act as it applied before 1983.

Two or more proceedings may be heard together

The Court may direct that 2 or more proceedings for a civil penalty order be heard together.

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proceedings for a civil penalty order.

Civil proceedings after criminal proceedings

The Court must not make a civil penalty order against a person under a civil penalty provision if the person has been convicted of an offence of conduct that is substantially the same as the conduct

Criminal proceedings during civil proceedings

- (1) Proceedings for a civil penalty order against a person under a civil penalty provision are stayed if:
 - (a) criminal proceedings are started or have already started against the person for an offence; and
 - (b) the offence is constituted by conduct that is substantially the same as the conduct alleged to constitute the contravention.
- (2) The proceedings for the order may be resumed if the person is convicted of the offence. Otherwise, the proceedings for the order are stayed.

Criminal proceedings after civil proceedings

Criminal proceedings may be started against a person under a criminal provision if the person has been convicted of the same as conduct constituting a contravention of a civil penalty provision, whether a civil penalty order has been made against the person or not.

Evidence given in proceedings for a civil penalty order not admissible in criminal proceedings

Evidence of information given, or evidence of production of documents, in proceedings for a civil penalty order is not admissible in criminal proceedings against the person if:

- (a) the individual previously gave the evidence or produced the documents in proceedings for a civil penalty order against the person under a civil penalty provision (whether or not the order was made against the person);

- (b) the conduct alleged to constitute the offence is s
that was claimed to constitute the contravention

However, this does not apply to a criminal proceeding

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- (b) had those facts existed, the conduct would not h
the civil penalty provision.

- (2) For the purposes of subsection (1), a person may be 1
whether or not facts existed if:

- (a) the person had considered, on a previous occasi
the circumstances surrounding that occasion; e
(b) the person honestly and reasonably believed tha
present occasion were the same, or substantial
the previous occasion.

- (3) A person who wishes to rely on subsection (1) or (2)
order bears an evidential burden in relation to that m

ite of mind

Scope

- (1) This section applies to proceedings for a civil penalty
contravention of any of the following civil penalty p
(a) subsection 24A(1);
(b) subsection 24B(1).

State of mind

- (2) In the proceedings, it is not necessary to prove:
(a) the person's intention; or
(b) the person's knowledge; or
(c) the person's recklessness; or
(d) the person's negligence; or
(e) any other state of mind of the person.
- (3) Subsection (2) does not affect the operation of sectio

2—Liability of executive officers of bodies corporate

Civil penalties for executive officers of bodies corporate

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the officer contravenes this subsection.

(2) For the purposes of subsection (1), the officer is *reckless* if the contravention would occur if:

- (a) the officer is aware of a substantial risk that the contravention would occur;
- (b) having regard to the circumstances known to the officer at the time, the officer is reckless as to the risk.

(3) For the purposes of subsection (1), the officer is *negligent* if the contravention would occur if the officer's conduct is:

- (a) such a great falling short of the standard of care that a reasonable person would exercise in the circumstances; and
- (b) such a high risk that the contravention would occur that the conduct merits the imposition of a pecuniary penalty.

Civil penalty provision

(4) Subsection (1) is a *civil penalty provision*.

Note: Division 1 provides for pecuniary penalties for breaches of this section.

Reasonable steps to prevent contravention

(1) For the purposes of section 154N, in determining whether a body corporate failed to take all reasonable steps to prevent a contravention, regard is to be had to all relevant matters, including:

- (a) what action (if any) the officer took directed towards preventing the contravention to the extent that the action is relevant to the contravention:
 - (i) that the body corporate arranges regular periodic assessments of the body corporate's compliance with civil penalty provisions;
 - (ii) that the body corporate implements any action recommended by such an assessment;
 - (iii) that the body corporate's employees, agents or contractors have the necessary knowledge and understanding of the requirements of the law.

penalty provisions in so far as those require
agents or contractors concerned; and

(b) what action (if any) the officer took when he or

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B—Other remedies

1—Enforceable undertakings

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specified action,

- (c) a written undertaking given by a person that the
 - directed towards ensuring that the person does
 - regulations or the associated provisions, or is t
 - regulations or the associated provisions, in the
 - (d) a written undertaking given by a person that the
 - renewable energy certificates under section 28
 - one or more certificates that the person was nc
- (2) The undertaking must be expressed to be an undertak
- (3) The person may withdraw or vary the undertaking at
 - of the Regulator.
- (4) The Regulator may, by written notice given to the pe
- (5) The Regulator must publish the undertaking on its w
- (6) In this section:

associated provisions means sections 134.1, 134.2,
and 137.2 of the *Criminal Code*, in so far as those se

- (a) this Act; or
- (b) the regulations.

enforcement of undertakings

- (1) If:
 - (a) a person has given an undertaking under section
 - (b) the undertaking has not been withdrawn or canc
 - (c) the Regulator considers that the person has brea
 - the Regulator may apply to the Federal Court for an
- (2) If the Federal Court is satisfied that the person has br
 - may make any or all of the following orders:

- (a) an order directing the person to comply with the
- (b) an order directing the person to pay to the Regu
Commonwealth, an amount up to the amount c

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2—Injunctions

Injunctions

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- (a) a person has refused or failed, is refusing or failing to do a thing; and
- (b) the refusal or failure is, or would be:
 - (i) an offence against this Act or the regulation;
 - (ii) a contravention of a civil penalty provision;
 the Federal Court may, on the application of the Regulator or the person, grant an injunction requiring the person to do the thing.
- (3) The power of the Federal Court to grant an injunction is exercisable by the Court only if:
 - (a) whether or not it appears to the Court that the person is likely to continue to engage, in conduct of that kind; and
 - (b) whether or not the person has previously engaged in that conduct.
- (4) The Federal Court may discharge or vary an injunction granted under subsection (1).
- (5) The Federal Court may grant an interim injunction pending the determination of an application under subsection (1).
- (6) The powers granted by this section are in addition to the powers of the Federal Court.

Miscellaneous

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any or all of the Regulator's functions or powers under

Delegation to senior employees of an authorised Co

- (2) The Regulator may, by writing, delegate to one or more authorised Commonwealth contractor any or all of the functions or powers under this Act, other than the function referred to in:
- sections 30, 38AF, 38AG, 41, 48, 48B, 49, 105,
 - Parts 6, 7, 9, 11, 12, 14, 15A and 15B.

Delegate subject to direction of Regulator

- (3) A delegate is, in the performance of a function delegated to the delegate, in the exercise of a power delegated under subsection 3(1) of the Regulator of the Regulator.

Section 70 of the Crimes Act 1914

- (4) For the purposes of the application of the definition of 'person' in subsection 3(1) of the *Crimes Act 1914* to section 70 of the Regulator, a person who performs services for the Commonwealth

Appropriation

Payments under this Act are to be made out of the Commonwealth appropriation accordingly.

Assessment

- (1) The mere production of:
- a notice of assessment; or

- (b) a document signed by an official of the Regulator
notice of assessment;

is conclusive evidence of the due making of the asse

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evidence of the matter set out in the document to the
statement or notice, as the case may be, would be if

- (4) A certificate signed by an official of the Regulator ce
certificate was, on the day of the certificate, payable
amount of a renewable energy shortfall charge relate
of the matters stated in the certificate.
- (5) An energy acquisition statement or a renewable energy
be made or signed by or on behalf of a liable entity i
made by the liable entity or with the liable entity's a

Records to be kept and preserved by registered persons, liable of exemption certificates

- (1) A person (the *record-keeper*) who:
- is a registered person; or
 - is a liable entity; or
 - has been issued with an exemption certificate;
- must keep records that record and explain all transac
required to be engaged in, by the record-keeper unde
- (2) The records kept by a registered person must include
ascertaining:
- the amount of electricity generated by the regist
 - the amount of that electricity that was generated
 - details of all large-scale generation certificates a
certificates issued by the registered person dur
 - any other prescribed matter.
- (3) The records kept by a liable entity must include any o
- the amount of electricity acquired by the liable e
during a year; and
 - any other prescribed matter.

- (3A) The records kept by a person who has been issued with a certificate include any documents relevant to ascertaining:
- (a) a matter to which the certificate relates; and

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certificate—so that matters to which the certificate relates are ascertained.

- (5) A record-keeper who has possession of any records kept for the purposes of this Act must retain them until the end of the period prepared or obtained, or the completion of the transaction to which the records relate, whichever is later.
- (6) Nothing in this section requires a record-keeper to retain records if:
 - (a) the Regulator has notified the record-keeper that retention is not required; or
 - (b) the record-keeper is a company that has gone into liquidation or dissolved.
- (7) A person commits an offence if the person fails to comply with this section.

Penalty: 30 penalty units.

scribing matters by reference to other instruments

- (1) The regulations may make provision in relation to a matter by incorporating, with or without modification, a matter in writing:
 - (a) as in force or existing at a particular time; or
 - (b) as in force or existing from time to time.
- (2) Subsection (1) has effect despite anything in subsection (1) of section 2003.
- (3) If the regulations make provision in relation to a matter by incorporating, with or without modification, a matter in writing, the Regulator must ensure that the text of that matter incorporated is published on its website.
- (4) Subsection (3) does not apply if the publication would be likely to prejudice the public interest.

ministrative decisions under the regulations

The regulations may make provision in relation to a r
make a decision of an administrative character on th

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penalty units for offences against the regulations.

—Application of Act to 2001

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This Act applies in relation to the year commencing c
references to a year, to the extent that they are refere
1 January 2001 (including specific references to the
2001), were references to the period of 9 months cor

ification of other references

This Act applies in relation to the year commencing c
in section 39 to “31 March in the year” were a refer

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Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the

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The legislation history in endnote 3 provides information about e amend) the compiled law. The information includes commencement details of any application, saving or transitional provisions that a

The amendment history in endnote 4 provides information about (generally section or equivalent) level. It also includes informati compiled law that has been repealed in accordance with a provisi

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel changes to a compiled law in preparing a compilation of the law : not change the effect of the law. Editorial changes take effect fro

If the compilation includes editorial changes, the endnotes includ general terms. Full details of any changes can be obtained from tl

Misdescribed amendments

A misdescribed amendment is an amendment that does not accur: made. If, despite the misdescription, the amendment can be giver is incorporated into the compiled law and the abbreviation “(md) amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, is added to the details of the amendment included in the amendm

Endnote 2—Abbreviation key

ad = added or inserted

o = order(s)

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cu = editorial change

reloc = relocate

exp = expires/expired or ceases/ceased to have effect

renum = renum

rep = repealed

F = Federal Register of Legislation

rs = repealed at

gaz = gazette

s = section(s)/s

LA = *Legislation Act 2003*

Sch = Schedule

LIA = *Legislative Instruments Act 2003*

Sdiv = Subdivi

(md) = misdescribed amendment can be given effect

SLI = Select L

SR = Statutory

(md not incorp) = misdescribed amendment cannot be given effect

Sub-Ch = Sub-

SubPt = Subpa

mod = modified/modification

underlining = v

No. = Number(s)

commenced

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement
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Other Measures)

(Consequential

Amendments) Act 2008

Statute Law Revision Act 2008	73, 2008	3 July 2008	Sch 1 (items 41–45): 18 Jan 2001 (s 2(1) item 29)
Australian Energy Market Amendment (AEMO and Other Measures) Act 2009	17, 2009	26 Mar 2009	Sch 1 (items 7–11): 1 July 2009 (s 2(1) item 3)
Renewable Energy (Electricity) Amendment Act 2009	78, 2009	7 Sept 2009	Sch 3 (items 1, 2): 1 July 2011 (s 2 (1) item 4) Sch 3 (items 3, 5): 8 Sept 2009 (s 2 (1) item 5) Sch 3 (items 4, 8, 9): 1 Feb 2010 (s 2 (1) item 6) Sch 3 (items 6, 7): 18 Apr 2010 (s 2(1) item 8) Remainder: 7 Sept 2009 (s 2(1) item 1)
Statute Law Revision Act 2010	8, 2010	1 Mar 2010	Sch 5 (item 137(a)): 1 Mar 2010 (s 2(1) items 31, 38)
Renewable Energy (Electricity) Amendment Act 2010	69, 2010	28 June 2010	Sch 1 (items 1–99): 1 Jan 2011 (s 2(1) item 2) Sch 1 (items 99A–136) and Sch 2: 29 June 2010 (s 2(1) items 2, 3)
as amended by			
Statute Law Revision Act 2012	136, 2012	22 Sept 2012	Sch 2 (item 32): 1 Jan 2011 (s 2(1) item 24)
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Sch 2 (items 987–990) and Sch 3 (items 10, 11): 27 Dec 2011 (s 2(1) items 7, 12)
Superannuation Legislation (Consequential Amendments and Transitional Provisions) Act 2011	58, 2011	28 June 2011	Sch 1 (items 154–157): 1 July 2011 (s 2(1) item 2)

Act	Number and year	Assent	Commencement
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Australia (Consequential Amendments) Act 2013		2013	12 Apr 2013 (s 2(1) item 2)
Statute Law Revision Act (No. 1) 2014	31, 2014	27 May 2014	Sch 8 (item 38): 24 June 2014 (s 2(1) item 10)
Public Governance and Resources Legislation Amendment Act (No. 1) 2015	36, 2015	13 Apr 2015	Sch 5 (items 53–59, 74–77) and Sch 7: 14 Apr 2015 (s 2)
as amended by			
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 486): 5 Mar 2016 (s 2(1) item 2)
Renewable Energy (Electricity) Amendment Act 2015	90, 2015	27 June 2015	Sch 1 (items 1–39, 46): 27 June 2015 (s 2(1) item 1)
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (items 504, 505): 5 Mar 2016 (s 2(1) item 2)
Statute Law Revision Act (No. 1) 2016	4, 2016	11 Feb 2016	Sch 4 (items 1, 263–267): 10 Mar 2016 (s 2(1) item 6)

Endnote 4—Amendment history

Provision affected	How affected
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Renewable Energy (Electricity) Act 2000**- C2016C00624****In force****-****Superseded Version****[View Series](#)****Division 2**

Heading to Div. 2 of Part 2...	rs. No. 90, 2006
s. 9.....	am. No. 90, 2006
s. 11.....	rs. No. 132, 2011

Division 2A

Div. 2A of Part 2.....	ad. No. 90, 2006
s. 12A.....	ad. No. 90, 2006
	am. No. 78, 2009
ss. 12B, 12C.....	ad. No. 90, 2006

Division 3

s. 13.....	am. No. 90, 2006; No. 78, 2009; No. 69, 2010
s. 14.....	am. No. 90, 2006; No. 78, 2009
Note to s. 14(1)	ad. No. 90, 2006
Note to s. 14(3)	ad. No. 90, 2006
	am. No. 78, 2009
Note to s. 15.....	ad. No. 90, 2006
Subhead. to s. 15A(1)	ad. No. 78, 2009
s. 15A.....	ad. No. 90, 2006
	am. No. 78, 2009; No. 69, 2010
s. 15B.....	ad. No. 90, 2006
s. 17.....	rs. No. 90, 2006
s. 17A.....	ad. No. 78, 2009
	am. No. 69, 2010

Division 4

Heading to Div. 4 of Part 2...	rs. No. 69, 2010
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Subdivision AA

Subdiv. AA of Div. 4 of..... Part 2	ad. No. 69, 2010
s. 17B.....	ad. No. 69, 2010

Subdivision A

Heading to Subdiv. A of Div. 4 of Part 2	rs. No. 69, 2010
s. 17C.....	ad. No. 69, 2010
s. 18.....	am. No. 90, 2006; No. 78, 2009
s. 19.....	rs. No. 90, 2006
	am. No. 69, 2010
Note to s. 19.....	rs. No. 69, 2010
s. 20.....	am. No. 90, 2006; No. 78, 2009
s. 20A.....	ad. No. 90, 2006

Provision affected	How affected
Subdivision B	
Heading to Subdiv. B of	rs. No. 69, 2010
Div. 4 of Part 2	

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Note to s. 23A(1)	ad. No. 69, 2010
s. 23AAA.....	ad. No. 69, 2010
	am. No. 132, 2011
Subhead. to s. 23B(1)	ad. No. 78, 2009
s. 23B.....	am. No. 90, 2006; No. 78, 2009; No. 69, 2010
ss. 23C, 23D.....	am. No. 90, 2006
s. 23E.....	ad. No. 90, 2006
Subdivision BB	
Subdiv. BB of Div. 4 of.....	ad. No. 90, 2006
Part 2	
s. 23F.....	ad. No. 90, 2006
Subdivision C	
s. 24.....	am. No. 90, 2006; No 4, 2016
ss. 24A, 24B.....	ad. No. 69, 2010
Division 5	
Heading to s. 25.....	am. No. 90, 2006
	rs. No. 69, 2010
s. 25.....	am. No. 90, 2006; No. 78, 2009; No. 69, 2010
Heading to s. 25A.....	rs. No. 69, 2010
s. 25A.....	ad. No. 90, 2006
	am. No. 78, 2009; No. 69, 2010
s. 26.....	am. No. 69, 2010; No. 132, 2011
Division 6	
s. 27.....	am. No. 69, 2010
Note to s. 27.....	ad. No. 69, 2010
s. 28.....	am. No. 69, 2010
Division 7	
s. 28A.....	ad. No. 90, 2006
Notes 1, 2 to s. 28A.....	rs. No. 69, 2010
s. 29.....	am. No. 90, 2006; No. 69, 2010
Division 8	
Heading to s. 30.....	rs. No. 90, 2006
Subhead. to s. 30A(1)	am. No. 69, 2010
s. 30A.....	ad. No. 90, 2006
	am. No. 69, 2010; No. 132, 2011
Division 9	
Div. 9 of Part 2.....	ad. No. 90, 2006
s. 30B.....	ad. No. 90, 2006

Provision affected	How affected
Division 10	
Div. 10 of Part 2.....	ad. No. 90, 2006
s. 30C.....	ad. No. 90, 2006

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s. 30G..... ad. No. 78, 2007

Part 2A

Part 2A..... ad. No. 69, 2010

Division 1

s. 30H..... ad. No. 69, 2010

Division 2

s. 30J..... ad. No. 69, 2010

Division 3

ss. 30K, 30L..... ad. No. 69, 2010

Division 4

s. 30LA..... ad. No. 69, 2010
am No 126, 2015

ss. 30M, 30N..... ad. No. 69, 2010

ss. 30P, 30Q..... ad. No. 69, 2010

Division 5

s 30R..... ad No 69, 2010
am No 36, 2015

s 30S..... ad No 69, 2010
am No 36, 2015

s 30T..... ad No 69, 2010
am No 36, 2015

Division 6

s. 30U..... ad. No. 69, 2010

Part 3

ss. 31, 32..... am. No. 90, 2006; No. 17, 2009

s. 33..... am. No. 90, 2006

Heading to s. 34..... am. No. 90, 2006; No. 17, 2009

s. 34..... am. No. 90, 2006; No. 17, 2009

Part 4

Division 1AA

Div. 1AA of Part 4..... ad. No. 69, 2010

s. 34A..... ad. No. 69, 2010
am No 90, 2015

Division 1

Subdivision A

Heading to Subdiv. A of ad. No. 69, 2010

Div. 1 of Part 4

Subdivision B

Provision affected	How affected
Subdiv. B of Div. 1 of..... Part 4	ad. No. 69, 2010
ss. 36, 37.....	rs. No. 69, 2010

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s 38AD.....	ad. No. 69, 2010
s 38AE.....	ad. No. 69, 2010
s 38AF.....	ad. No. 69, 2010
s 38AG.....	ad. No. 69, 2010
s 38AH.....	ad. No. 69, 2010
s 38AI.....	ad. No. 69, 2010

Division 1A

Division 1A heading.....	rs No 90, 2015
Division 1A.....	ad No 78, 2009
s. 38A.....	ad. No. 78, 2009 am. No. 69, 2010 rs No 90, 2015
s 38B.....	ad. No. 78, 2009 rs No 90, 2015
s 38C.....	ad. No. 78, 2009 am No 90, 2015

Division 2

Heading to Div. 2 of Part 4...	rs. No. 69, 2010
s 39.....	am. No. 90, 2006; No. 78, 2009; No. 69, 2010; No 90,
s 40.....	am. No. 90, 2006; No. 78, 2009; No. 69, 2010; No 90,

Division 2A

Div. 2A of Part 4.....	ad. No. 69, 2010
s. 40A.....	ad. No. 69, 2010 am No 90, 2015

Division 2AA

Div. 2AA of Part 4.....	ad. No. 69, 2010
s. 40AB.....	ad. No. 69, 2010

Division 3

Heading to Div. 3 of Part 4...	rs. No. 69, 2010
ss. 40B, 40C.....	ad. No. 69, 2010
s. 41.....	am. No. 69, 2010
Note to s. 41.....	ad. No. 90, 2006
s 42.....	am No 90, 2006; No 36, 2015

Part 5

Heading to Part 5.....	rs. No. 78, 2009
------------------------	------------------

Division 1AA

Div. 1AA of Part 5.....	ad. No. 69, 2010
s. 43A.....	ad. No. 69, 2010

Provision affected	How affected
	am No 90, 2015
Division 1	
Div. 1 of Part 5.....	rs. No. 69, 2010

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s. 75A.....	ad. No. 90, 2006 rs. No. 69, 2010
ss. 45B–45E.....	ad. No. 69, 2010
Subdivision B	
s. 46.....	am. No. 90, 2006 rs. No. 69, 2010
Division 1A	
Division 1A heading.....	rs No 90, 2015
Division 1A.....	ad. No. 78, 2009
s 46A.....	ad. No. 78, 2009 am. No. 69, 2010; No 90, 2015
s 46B.....	ad. No. 78, 2009 am. No. 69, 2010; No 90, 2015
s. 46C.....	ad. No. 78, 2009 am. No. 69, 2010; No 90, 2015
s 46D.....	ad. No. 69, 2010 am No 90, 2015
s 46E.....	ad. No. 69, 2010 am No 90, 2015
s 46F.....	ad. No. 69, 2010
Division 2	
Subdivision A	
Subdiv. A of Div. 2 of..... Part 5	ad. No. 69, 2010
ss. 47, 48.....	am. No. 90, 2006 rs. No. 69, 2010
Subdivision B	
Subdiv. B of Div. 2 of..... Part 5	ad. No. 69, 2010
ss. 48A, 48B.....	ad. No. 69, 2010
Subdivision C	
Heading to Subdiv. C of Div. 2 of Part 5	ad. No. 69, 2010
s. 49.....	am. No. 90, 2006
Note to s. 49(1)	ad. No. 90, 2006
s. 50.....	am. No. 90, 2006
s. 52.....	am. No. 90, 2006; No. 69, 2010
s. 53A.....	ad. No. 90, 2006

Part 6

Provision affected	How affected
Division 1	
ss. 54, 55.....	am. No. 90, 2006
Heading to s. 57.....	am. No. 90, 2006

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Heading to s. 66.....	am. No. 90, 2006
s. 68.....	am. No. 90, 2006
s. 70.....	rs. No. 90, 2006
s. 72.....	am. No. 69, 2010
Division 2	
Subdivision A	
s. 73.....	am. No. 69, 2010
Subdivision C	
ss. 81, 82.....	am. No. 90, 2006
Subdivision D	
ss. 85, 86.....	am. No. 90, 2006
Subdivision E	
s. 89.....	am. No. 90, 2006
Part 8	
Heading to Part 8.....	rs. No. 69, 2010
Heading to s. 95.....	am. No. 69, 2010
ss. 95, 96.....	am. No. 90, 2006; No. 69, 2010
ss. 97, 98.....	am. No. 69, 2010
Part 9	
s. 99.....	am. No. 90, 2006
	rs. No. 69, 2010
s. 99A.....	ad. No. 69, 2010
s. 100.....	am. No. 90, 2006
Heading to s. 101.....	am. No. 90, 2006
s. 101.....	am. No. 90, 2006
Heading to s. 102.....	am. No. 90, 2006
s. 102.....	am. No. 90, 2006
Heading to s. 103.....	am. No. 90, 2006
s. 103.....	am. No. 90, 2006
Part 11	
Division 2	
s. 107.....	am. No. 90, 2006; No. 132, 2011
s. 109.....	am. No. 90, 2006; No 4, 2016
Division 3	
Subdivision A	
Heading to s. 110.....	rs. No. 90, 2006
s. 110.....	am. No. 90, 2006
s. 111.....	am. No. 90, 2006; No. 69, 2010
Subdivision B	

Provision affected	How affected
s 112.....	am No 90, 2006
s 113.....	am No 90, 2006; No 4, 2016
ss. 114, 115.....	rep. No. 90, 2006

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s. 125B.....	ad. No. 90, 2006 am. No. 69, 2010
ss. 125C–125E.....	ad. No. 90, 2006
Part 12	
Heading to Part 12.....	rs. No. 132, 2011
s. 126.....	am. No. 90, 2006 rep. No. 132, 2011
s. 127.....	am. No. 90, 2006; No. 73, 2008 rep. No. 132, 2011
s. 128.....	am. No. 90, 2006 rep. No. 132, 2011
s. 129.....	am. No. 73, 2008 rep. No. 132, 2011
s. 130.....	am. No. 90, 2006; No. 73, 2008 rep. No. 132, 2011
s. 131.....	am. No. 73, 2008 rep. No. 132, 2011
s. 132.....	am. No. 90, 2006; No. 73, 2008; No. 69, 2010; No. 89 rep. No. 132, 2011
s. 133.....	rep. No. 132, 2011
s. 134.....	am. No. 90, 2006 rs. No. 69, 2010
Part 13	
Division 1	
s. 135.....	am. No. 69, 2010
Division 2	
s. 137.....	am. No. 8, 2010
Division 3	
s. 138.....	am. No. 90, 2006; No. 78, 2009
s. 139.....	am. No. 8, 2010
Division 4	
Heading to Div. 4 of Part 13.	rs. No. 69, 2010
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s. 140.....	am. No. 90, 2006; No. 78, 2009; No. 69, 2010
s. 141.....	am. Nos. 8 and 69, 2010
Division 4A	
Div. 4A of Part 13.....	ad. No. 69, 2010
ss. 141AA, 141AB.....	ad. No. 69, 2010
Division 5	

Provision affected	How affected
s. 141A.....	am. No. 90, 2006; No. 78, 2009
s. 141B.....	am. No. 8, 2010
Part 14.....	rep. No. 132, 2011

Renewable Energy (Electricity) Act 2000



- C2016C00624

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NOTE to s. 176(3)	rep. No. 70, 2011
ss. 149–151.....	rep. No. 132, 2011
Part 15	
Heading to Part 15.....	rs. No. 90, 2006
ss. 152, 153.....	rep. No. 90, 2006
s. 154.....	am. No. 90, 2006; No. 69, 2010; No 4, 2016
Part 15A	
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	am. No. 13, 2013; No 31, 2014
s. 154B.....	ad. No. 69, 2010
s. 154C.....	ad. No. 69, 2010
s. 154D.....	ad. No. 69, 2010
s. 154E.....	ad. No. 69, 2010
s. 154F.....	ad. No. 69, 2010
s. 154G.....	ad. No. 69, 2010
s. 154H.....	ad. No. 69, 2010
ss. 154J–154M.....	ad. No. 69, 2010
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s. 154N.....	ad. No. 69, 2010
s. 154P.....	ad. No. 69, 2010
Part 15B	
Part 15B.....	ad. No. 69, 2010
Division 1	
ss. 154Q, 154R.....	ad. No. 69, 2010
Division 2	
s. 154S.....	ad. No. 69, 2010
Part 16	
Subhead. to s. 156(1)	rs. No. 132, 2011
s. 156.....	am. No. 69, 2010; No. 132, 2011
s. 158.....	rep. No. 132, 2011
s. 159.....	am. No. 132, 2011
s. 160.....	am. No. 90, 2006; No. 78, 2009; No. 69, 2010; No 90,
s 160A.....	ad No 69, 2010
	am No 126, 2015
s 160B.....	ad No 69, 2010
s. 161.....	am. No. 90, 2006
s. 162.....	rs. No. 78, 2009; No. 69, 2010; No. 132, 2011

Provision affected	How affected
	rep No 90, 2015

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Renewable Energy (Electricity) Amendment (Small-Scale Renewable Energy Scheme Reforms and Other Mea...



- F2021L01828

In force

-

Latest Version



Renewable Energy (Electricity) A (Small-Scale Renewable Energy S and Other Measures) Regulations

I, General the Honourable David Hurley AC DSC (Ret
Commonwealth of Australia, acting with the advice of the Feder
following regulations.

Dated 16 December 2021

By His Excellency's Command

Tim Wilson
Assistant Minister to the Minister for Industry, Energy and Emiss
Parliamentary Secretary to the Minister for Industry, Energy and

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Part 3—Northern Territory Electricity System and Mar

Renewable Energy (Electricity) Regulations 2001

This instrument is the *Renewable Energy (Electricity, Renewable Energy Scheme Reforms and Other Mea.*

Commencement

- (1) Each provision of this instrument specified in column 1 has effect from the date taken to have commenced, in accordance with column 2, unless the commencement statement in column 2 has effect according to its terms.

Commencement information	
Column 1	Column 2
Provisions	Commencement
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.
2. Schedule 1	1 April 2022.
3. Schedule 2	1 July 2022.
4. Schedule 3	1 January 2022.
5. Schedule 4	1 January 2022.

Note: This table relates only to the provisions of this instrument as amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument, and information may be inserted in this column, or information in it may be amended, after the commencement of this instrument.

Interpretation

This instrument is made under the *Renewable Energy (Electricity) Act 2000*.

Application

Each instrument that is specified in a Schedule to this instrument has effect according to the terms of the Schedule to this instrument.

Rule 1—Small generation units—certificates and inspections

Renewable Energy (Electricity) Regulations 2001

1 Subregulation 20(1)

Omit “, in the circumstances mentioned in regulation 20A

2 Paragraph 20(1)(b)

After “zone rating of the system”, insert “at the time of in

3 Regulation 20AC (heading)

Repeal the heading, substitute:

Conditions for creation of certificates (Act s 23A)

4 Subregulation 20AC(1)

Repeal the subregulation, substitute:

- (1) For the purposes of subsection 23A(1A) of the Act, a certificate is not to be issued in relation to a small generation unit unless the conditions for the certificate are met in relation to the unit or its installation.

Condition—design and installation

5 Paragraph 20AC(2)(e)

Repeal the paragraph, substitute:

- (e) in relation to whom, or none of whom, a declaration is made under regulation 20AG or 47 on:
- (i) if the installation of the unit was completed on or after the day the installation
 - (ii) in any other case—the day the installation

6 After subregulation 20AC(2)

Insert:

Condition—installer on site (solar (photovoltaic) system)

- (2A) If the unit is a solar (photovoltaic) system, the person who installed the unit was on site to install, or supervised the installation, in accordance with the accreditation scheme under v

Condition—inverters

- (2B) If the unit uses an inverter, regulation 20AD has been complied with in relation to the inverter used in the installation of the unit.

Condition—photovoltaic modules (solar (photovoltaic) system)

- (2C) If the unit is a solar (photovoltaic) system, regulation 20AD has been complied with in relation to the photovoltaic module used in the installation of the unit.

Condition—electrical wiring

7 Subregulation 20AC(4)

Repeal the subregulation, substitute:

Condition—local and State or Territory government

- (4) All local and State or Territory government requirem installation of the unit.

*Condition—written statements, documents and evide***8 Subregulation 20AC(5)**

Omit “Before any certificates are created for the unit, the certificates for the unit obtains”, substitute “The person v certificates for the unit has obtained”.

9 Paragraphs 20AC(5)(a) and (b)

Repeal the paragraphs, substitute:

- (aa) a written statement by the designer of the unit (accredited for the design of the unit, the install
 - (i) the name of the designer of the unit; and
 - (ii) the accreditation scheme type or classifica the designer of the unit; and
 - (iii) that the designer complied with all relevan scheme for the design of the unit; and
- (a) a written statement by the installer of the unit st
 - (i) the name of the installer of the unit; and
 - (ii) the accreditation scheme type or classifica the installer of the unit; and
 - (iii) that the installer complied with all relevan scheme for the installation of the unit; an
- (b) a written statement by the installer of the unit th government requirements have been met for th

10 Paragraphs 20AC(5)(d) to (f) (including the not

Repeal the paragraphs, substitute:

- (d) a written statement by the installer of the unit st
 - (i) that the installer has a copy of the design o
 - (ii) if the design was not modified during the i was installed, in all material respects, in e
 - (iii) if the design was modified during the insta modifications were consistent with all rel accreditation scheme for the design of the installed, in all material respects, in accor and
 - (iv) that the unit will perform consistently with applicable); and
- (e) if the system uses an inverter:
 - (i) a written statement by the installer of the u in the installation was, when the unit was model of inverter; and
 - (ii) if the system is a grid-connected power sys installer of the unit that, when the unit wa used in the installation complied with Au AS/NZS 4777.2:2020, *Grid connection o Part 2: Inverter requirements*, published Standards Australia and Standards New Z time); and
- (f) for a unit that is a solar (photovoltaic) system—
 - (i) a written statement by the installer of the u module used in the installation was, when eligible model of a photovoltaic module;

- (ii) a written statement by the installer of the unit mentioned in subregulation (2A);
- (iii) evidence from the installer of the unit that mentioned in subregulation (2A).

11 After subregulation 20AC(5)

Insert:

Condition—written statement from solar retailer (so

- (5A) If the unit is a solar (photovoltaic) system, the person certifies for the unit has obtained a written statement from the **retailer** who sold the unit to the owner of the unit:
- (a) the name of the installer of the unit;
 - (b) whether or not the installer is an employee or a contractor of the retailer;
 - (c) that the unit will perform in accordance with the terms of the sale of the unit to the owner of the unit, except where the performance is prevented by circumstances outside the control of the retailer;
 - (d) that the unit is:
 - (i) complete; and
 - (ii) generating electricity or capable of generating electricity;
 - (e) if the unit is a grid-connected power system—the retailer certifies:
 - (i) the unit is connected to the grid; or
 - (ii) the solar retailer has completed the solar retail contract (or the quote accepted) relating to the unit and the grid;
 - (f) that the solar retailer has provided information in writing about the feed in tariffs and export limits for the unit;
 - (g) that the solar retailer has provided information in writing about one or more of the following for the unit:
 - (i) the expected payback period;
 - (ii) the expected energy savings;
 - (iii) the expected cost savings;
 - (h) that the information provided as mentioned in paragraphs (f) and (g) is true and complete;
 - (i) that any actual or potential conflicts of interest concerning the sale or installation of the unit, or the creation or management of any conflicts of interest in relation to persons connected to the retailer, have been:
 - (i) disclosed to the owner of the unit; and
 - (ii) managed appropriately;
 - (j) that a declaration under regulation 20AH is not required from the retailer on the day the statement is given.
- (5B) Subsection (5A) does not apply in relation to a unit if:
- (a) the unit was installed by the owner of the unit; or
 - (b) the installation of the unit was sold to the owner of the unit by the solar retailer or a person related to the solar retailer.

Electrical wiring to which subregulation (3) does not

12 At the end of regulation 20AC

Add:

Condition—statements to include statement of truth,

- (7) Each statement obtained for the purposes of subregulation (5A) must include a statement that the information in the statement is true and correct.

Condition—information not to be false or misleadin,

- (8) None of the documents, statements or evidence obtained under subregulation (5) or (5A) contain information that:
- is false or misleading in a material particular; or
 - omits a matter or thing without which the information is false or misleading in a material particular.

Note: See also section 24B of the Act (which relates to civil liability for false or misleading information in relation to the installation of small generation units) and section 24C (creation of certificates in relation to the units).

Approved eligible models of inverters

- (9) For the purposes of subparagraph (5)(e)(i), a model is an approved eligible model at a particular time if, at the time:
- the model is included in the list of approved inverters (published at that time) that is published by the person to whom the model is referred to;
 - a declaration under regulation 20AF is not in effect in relation to the model;
 - a recall notice has not been issued for the model under section 128 of the Australian Consumer Law (compulsory recall); and
 - section 128 of the Australian Consumer Law (voluntary recall) does not apply in relation to the model.

Note: The reference to the Australian Consumer Law is a reference to the *Australian Consumer Act 2010* as it applies as a law of the Commonwealth under section 140K of that Act and corresponding provisions in that Schedule.

Approved eligible models of photovoltaic modules

- (10) For the purposes of subparagraph (5)(f)(i), a model is an approved eligible model at a particular time if, at the time:
- the model complies with:
 - if the time is before 19 May 2022—Australian Standard AS/NZS 5033:2014, *Installation and safety of photovoltaic (PV) arrays*, published jointly by, or on behalf of, Standards Australia and Standards New Zealand (as existing from that time); or
 - if the time is on or after 19 May 2022—Australian Standard AS/NZS 5033:2021, *Installation and safety of photovoltaic (PV) arrays*, published jointly by, or on behalf of, Standards Australia and Standards New Zealand (as existing from that time);
 - the model is included in the list of approved photovoltaic modules (published at that time to time) that is published by the person to whom the model is referred to;
 - a declaration under regulation 20AF is not in effect in relation to the model;
 - a recall notice has not been issued for the model under section 128 of the Australian Consumer Law (compulsory recall); and
 - section 128 of the Australian Consumer Law (voluntary recall) does not apply in relation to the model.

Note: The reference to the Australian Consumer Law is a reference to the *Australian Consumer Act 2010* as it applies as a law of the Commonwealth under section 140K of that Act and corresponding provisions in that Schedule.

13 After regulation 20AC

Insert:

Provision of serial numbers for inverters and photovoltaic modules

- (1) For the purposes of subregulations 20AC(2B) and (2C), a person must provide the serial number of an inverter or photovoltaic module used in the installation of a small-scale renewable energy system to the person to whom the model is referred to.

give the serial number for the inverter or photovoltaic

- (a) a person in relation to whom a nomination is in this regulation; or
- (b) if no nomination is in effect under subregulation 20AC(9), the Regulator.

Note: The responsible person may commit an offence if they provide false or misleading information or documents (see sections 137.1 and 137.2).

- (2) The Regulator may, in writing, nominate a person for whom the Regulator is reasonably satisfied that the person:
 - (a) will, if nominated, receive, store and disseminate information about photovoltaic modules to facilitate the creation of small generation units in accordance with the Act and the Regulations;
 - (b) has, or will have, appropriate arrangements for publishing the serial numbers.
- (3) If the Regulator nominates a person under subregulation (2), the person's contact details on the Regulator's website must include the person's name, address, telephone number and email address.
- (4) In this regulation:

responsible person, for an inverter or photovoltaic module for a small generation unit, means:

- (a) if the inverter or photovoltaic module was not imported, the manufacturer of the inverter or photovoltaic module;
- (b) if the inverter or photovoltaic module was imported, the person who imported the inverter or photovoltaic module.

Publication of lists of approved inverters and photovoltaic modules

- (1) For the purposes of paragraphs 20AC(9)(a) and (10)(a), a person in relation to whom a nomination is in effect under subregulation (2) is a person in relation to whom a nomination is in effect under subregulation (2) if:
 - (a) a person in relation to whom a nomination is in effect under subregulation (2) is a person in relation to whom a nomination is in effect under subregulation (2) if:
 - (a) a person in relation to whom a nomination is in effect under subregulation (2) is a person in relation to whom a nomination is in effect under subregulation (2) if:
 - (b) if no nomination is in effect under subregulation (2), the person is a person in relation to whom a nomination is in effect under subregulation (2) if:
- (2) The Regulator may, in writing, nominate a person for whom the Regulator is reasonably satisfied that the person:
 - (a) will, if nominated, receive, store and disseminate information about photovoltaic modules to facilitate the creation of small generation units in accordance with the Act and the Regulations;
 - (b) has, or will have, appropriate arrangements for publishing the serial numbers.
- (3) The Regulator must, before 1 January 2023, undertake a public consultation about whether any person should be nominated under subregulation (2).

Public consultation about whether any person should be nominated under subregulation (2)
- (4) In deciding whether to nominate a person under subregulation (2), the Regulator must consider the following matters:
 - (a) the efficiency, integrity and effectiveness of the processes for publishing the person's list of approved photovoltaic modules, including testing and verification processes, for the person's list of approved photovoltaic modules;
 - (b) the person's capacity to publish the person's list of approved photovoltaic modules and keep them up to date;
 - (c) the fees that the person proposes to charge in relation to the person's list of approved photovoltaic modules;
 - (d) any other relevant matter.
- (5) Before nominating a person under subregulation (2), the Regulator must:
 - (a) publish the proposed nomination on the Regulator's website;

- (b) consider any submissions made in accordance with the proposed nomination.
- (6) A person who would be affected by a proposed nomination day the Regulator publishes the proposed nomination Regulator.
- (7) If the Regulator nominates a person under subregulation the person's contact details on the Regulator's website.

Regulator may declare models of inverters or photovoltaic modules

- (1) The Regulator may, in writing, declare that a model of photovoltaic module, is not eligible for use in the inverter for the purposes of these Regulations.
- (2) In deciding whether or not to make a declaration in relation to a photovoltaic module, the Regulator must consider the following:
 - (a) whether the model complies with the Australian standards for photovoltaic modules;
 - (b) whether evidence that independent testing has satisfied those standards has been provided by:
 - (i) the manufacturer of the model; or
 - (ii) if the model was imported into Australia— the importer of the model;
 - (c) whether the model was included in the list mentioned in regulation (10)(b) on the basis of false or misleading information;
 - (d) whether the inclusion of the model in the list mentioned in regulation (10)(b) presents a risk to the integrity or creation of certificates;
 - (e) whether regulation 20AD has been complied with;
 - (f) any other relevant matters.

Process before making declarations

- (3) Before making a declaration, the Regulator must:
 - (a) publish the proposed declaration on the Regulator's website;
 - (b) consider any submissions made in accordance with the proposed declaration.
- (4) A person who would be affected by a proposed declaration day the Regulator publishes the proposed declaration on the Regulator's website.
- (5) Subregulations (3) and (4) do not apply in relation to a photovoltaic module if the Regulator is reasonably satisfied that there is no safety risk to a person or to property from the use of small generation units.

Publication of declarations

- (6) If the Regulator makes a declaration, the Regulator must publish the declaration on the Regulator's website.

Regulator may declare persons ineligible to design or install small generation units

Designers

- (1) Subregulation (2) applies in relation to a person who designs small generation units as mentioned in subregulation 20A(2).

- (a) the Regulator is reasonably satisfied that the person has given 3 or more statements mentioned in paragraph 3 of the information that:
 - (i) is false or misleading in a material particular;
 - (ii) omits a matter or thing without which the information is incomplete or misleading in a material particular; or
 - (b) the Regulator is reasonably satisfied that the person has on 3 or more occasions failed to comply with the conditions of the accreditation which the person is accredited.
- (2) The Regulator may, in writing, declare that the person is not eligible to install small generation units for the purposes of subregulation 20A(4).

Installers

- (3) Subregulation (4) applies in relation to a person who has installed small generation units as mentioned in subregulation 20A(4) if:
- (a) the Regulator is reasonably satisfied that the person has given 3 or more statements mentioned in subregulation 20A(3) that:
 - (i) is false or misleading in a material particular;
 - (ii) omits a matter or thing without which the information is incomplete or misleading in a material particular; or
 - (b) the Regulator is reasonably satisfied, on the basis of information received from one or more State or Territory authorities, that the person has, on or after 1 April 2022, on 3 or more occasions installed a small generation unit for the purposes of a local or State or Territory government requirement; or
 - (c) the Regulator is reasonably satisfied that the person has on 3 or more occasions failed to comply with the conditions of the accreditation which the person is accredited.
- (4) The Regulator may, in writing, declare that the person is not eligible to install small generation units for the purposes of subregulation 20A(4).

Period of effect and publication of declarations

- (5) A declaration under this regulation has effect for the period specified in the declaration.
- (6) The Regulator must publish a declaration under this regulation on the Regulator's website.

Regulator may declare persons ineligible to make solar retail contracts

- (1) Subregulation (2) applies in relation to a person if the person has installed small generation units for the purposes of subregulation 20A(4) if that:
- (a) the person has, on or after 1 April 2022, given 3 or more statements mentioned in subregulation 20A(3) that:
 - (i) is false or misleading in a material particular;
 - (ii) omits a matter or thing without which the information is incomplete or misleading in a material particular; or
 - (b) both:
 - (i) on or after 1 April 2022, the person sold a small generation unit (photovoltaic) system to the owner of the premises;
 - (ii) the person is related to a person in respect of whom the Regulator has made a declaration under this regulation.
- (2) The Regulator may, in writing, declare that the person is not eligible to make solar retail contracts in relation to small generation units for the purposes of subregulation 20A(4).

- (3) A declaration under this regulation has effect for the specified in the declaration.
- (4) The Regulator must publish a declaration under this website.

king declarations under regulations 20AG and 20AH

- (1) In deciding whether or not to make a declaration und relation to a person, the Regulator must consider the
 - (a) if the proposed declaration is to be made on the (3)(a) or 20AH(1)(a)—the materiality of the fa concerned;
 - (b) if the proposed declaration is to be made on the the materiality of the breaches of local or State requirements concerned;
 - (c) if the proposed declaration is to be made on the (3)(c)—the materiality of the failures (to comp under which the person is accredited) concern
 - (d) any harm or loss caused to the owners of the sm third parties, resulting from the false or mislea failures (as applicable);
 - (e) whether the person has rectified any problems r statements, breaches or failures (as applicable)
 - (f) any other relevant matters.
- (2) Before making a declaration in relation to a person, t
 - (a) give the person written notice of the proposed d
 - (b) consider any submissions made in accordance v the proposed declaration.
- (3) The person may, within 28 days after the Regulator g proposed declaration, make a written submission to

14 Paragraph 39(c)

Repeal the paragraph, substitute:

- (c) all local and State or Territory government requ installation of the unit;

15 Paragraph 39(e)

Omit “subregulation 20AC(5)”, substitute “subregulation

16 Paragraph 39(f)

Repeal the paragraph, substitute:

- (f) the documents, statements and evidence mentio (5A) for the unit do not contain information th
 - (i) is false or misleading in a material particul
 - (ii) omits a matter or thing without which the i material particular;

17 Regulation 39 (note)

Repeal the note.

18 Subregulation 41(1)

After “parties”, insert “, and may notify any other person

19 Subregulation 41(5) (at the end of the definitior

Add:

- ; (e) the owner of the small generation unit.

20 Subregulation 43(1)

Repeal the subregulation, substitute:

- (1) If the report is likely to contain an adverse finding in persons, the inspector must provide a copy of the fir the report:
 - (a) a person who designed or installed the small gen
 - (b) the person who sold the unit to the owner of the
 - (c) a person who created certificates for the unit.

21 Subregulation 47(3)

Repeal the subregulation, substitute:

- (3) A declaration has effect for the period specified in th
- (3A) A period specified in a declaration cannot exceed:
 - (a) if the 3 adverse findings relate to the requiremen being satisfied for a document, statement or ev years;
 - (b) in any other case—12 months.

22 Subregulation 49(1) (after table item 2AA)

Insert:

- 2AB Decision under regulation 20AF to declare that a model of ar photovoltaic module is not eligible for use in the installation generation units for the purposes of these Regulations

2AC	Decision under regulation 20AG to declare that a person is n design small generation units for the purposes of subregulati
2AD	Decision under regulation 20AG to declare that a person is n install small generation units for the purposes of subregulatic
2AE	Decision under regulation 20AH to declare that a person is n make statements in relation to small generation units for the subregulation 20AC(5A)

23 In the appropriate position in Part 9

Insert:

amendments made by Schedule 1 to the *Renewable Energy (Ele*

(

Small-Scale Renewable Energy Scheme Reform Regulations 2021

- (1) Subject to this regulation, the amendments of these F the *Renewable Energy (Electricity) Amendment (Sm Reforms and Other Measures) Regulations 2021* app relation to a small generation unit that is installed or
- (2) Paragraphs 39(e) and (f), as amended by Schedule 1 (*Electricity) Amendment (Small-Scale Renewable Er Measures) Regulations 2021*, apply to the inspector installed on or after 1 April 2022.

Rule 2—Small generation units—designer and installer accreditation scheme

Renewable Energy (Electricity) Regulations 2001

Paragraphs 20AC(2)(a) to (d)

Repeal the paragraphs, substitute:

- (a) if the unit is a stand-alone power system—accredited under an accreditation scheme approved by the Regulator and
- (b) if the unit is a grid-connected power system—accredited under an accreditation scheme approved by the Regulator under Subdivision 2.3.4; and
- (c) if the unit is a wind system—endorsed for wind power under an accreditation scheme approved by the Regulator under Subdivision 2.3.4; and
- (d) if the unit is a hydro system—endorsed for hydro power under an accreditation scheme approved by the Regulator under Subdivision 2.3.4.

2 At the end of Division 2.3 of Part 2

Add:

Subdivision 2.3.4—Designer and installer accreditation scheme

Approval of accreditation schemes

This Subdivision sets out the process for approving a accreditation scheme in subregulation 20AC(2).

Interpretation

- (1) In this Subdivision:
 - scheme operator*: see subparagraph 20BE(b)(iii).
- (2) For the purposes of this Subdivision, in determining whether a person is a designer or proper person, the Regulator must have regard to regulation 3L, as if the reference to the applicant in that regulation were a reference to a scheme operator under this Subdivision.

Applying for accreditation

Applications for accreditation

- (1) A person may apply to the Regulator to approve an accreditation scheme and the person for the purposes of paragraph 20AC(2)(a).

Matters to be included in applications

- (2) An application must:
 - (a) be made in the manner and form specified by the Regulator on its website; and
 - (b) include a draft of the accreditation scheme proposed;
 - (c) include the information required by regulation 20AC(2)(a);
 - (d) be accompanied by the documents required by regulation 20AC(2)(a);
 - (e) include any information, and be accompanied by any documents, required by the Regulator in the form; and
 - (f) include an undertaking that complies with subregulation 20AC(2)(a);
 - (g) be made:

- (i) in the period specified by the Regulator; or
- (ii) at a later time agreed with the Regulator in

Undertakings to be included in applications

(3) For the purposes of paragraph (2)(f), an undertaking must provide that, if the scheme were to be approved, the scheme following

:

- (a) notify the Regulator, in writing, of any matters that might adversely affect, the integrity of the or proposed to be taken, by the scheme operator
- (b) notify the Regulator, in writing, before making : under the scheme and provide the Regulator w
- (c) notify the Regulator, in writing, before varying : provide the Regulator with an explanation of h are consistent with the scheme as approved by
- (d) notify the Regulator, in writing, if any of the ev regulation 3L that affect the scheme operator c operator;
- (e) notify the Regulator, in writing, if the scheme o proposes to cease undertaking, activities autho
- (f) if the scheme operator is a body corporate—not is a change, or a proposed change, in any of th corporate;
- (g) if the scheme operator is a body corporate—not transaction results in, or a proposed transaction name or number of shares in the body corpora
- (h) notify the following, in writing, if a designer or scheme is excluded from the scheme:
 - (i) the Regulator;
 - (ii) the operator of every other accreditation sc Subdivision;
- (i) if requested by the Regulator in writing—provid information, in writing, about the operation of

Period in which application must be made

- (4) The Regulator must specify a period for the purposes
- (5) The specified period must be a period of 3 months be 2023 and must be published on the Regulator's web:

atters to be included in applications

An application must:

- (a) include the following:
 - (i) the name of the applicant;
 - (ii) if the scheme operator is a body corporate— or ARBN;
 - (iii) if the scheme operator is a body corporate— of the body corporate;
 - (iv) if the scheme operator is a body corporate— number of shares in the body corporate;
 - (v) the mailing address and email address of th
 - (vi) a telephone contact number for the applica
- (b) include the following:
 - (i) details of the proposed scheme's scope;

- (ii) an explanation of how the proposed scheme including details of the governance arrangements;
 - (iii) the name and contact details of the person who will be responsible for managing the scheme;
 - (iv) details of the qualifications and experience that will enable the scheme operator to properly manage the scheme in accordance with the requirements of the Act and these Regulations;
 - (v) details of how the proposed scheme will be managed in accordance with the requirements of the scheme and any requirements of these Regulations; and
- (c) be accompanied by details and evidence of the training and installers under the proposed scheme, including statements by installers under subregulation 20BH(2);
- (d) include details of the measures and procedures to be implemented before approval, and will be maintained after approval:
- (i) quality assurance and process control of the scheme;
 - (ii) compliance with the scheme's requirements and these Regulations, in relation to the implementation and the creation of certificates for such work;
- (e) include details of the following:
- (i) requirements of the proposed scheme relating to the conduct;
 - (ii) the measures and procedures that are in place to manage any disputes before approval, and will be maintained after approval, with actual and perceived conflicts of interest under the scheme;
 - (iii) the fees to be charged under the proposed scheme, on a cost-recovery basis for setting the fees and changing the fees;
- (f) set out reasons why the applicant believes the proposal should be approved, having regard to each of the criteria specified in regulation 20BH.

Further information

- (1) For the purposes of making a decision under regulation 20BH, if the Regulator, in a notice in writing, request further information from the applicant, the notice must:
- (2) The notice must set out:
 - (a) the information sought; and
 - (b) the day by which the information is to be provided.
- (3) The Regulator is not required to consider an application if the applicant does not provide the information to be provided.
- (4) If the information is not provided on or before the day specified in the notice, the application is taken to have been withdrawn.

Regulator to approve or refuse application

If the Regulator receives an application that is properly made, the Regulator must:

- (a) approve the application; or
- (b) refuse the application.

Approval of accreditation scheme

- (1) The Regulator may approve an accreditation scheme if the Regulator is satisfied that:
 - (a) the scheme operator is a fit and proper person; and

- (b) the scheme operator, and each person involved in the operation of the scheme,
 - (i) has appropriate knowledge and understanding of the standards applicable to the installation of small generation units and the framework for the creation of certificates of accreditation; and
 - (ii) has the necessary qualifications, experience and resources to manage the operation of the scheme; and
- (c) the scheme operator has the capacity, resources and expertise to manage the operation of the scheme, consistently and efficiently, in a sound, objective, transparent and accountable manner; and
- (d) the governance arrangements for the scheme are appropriate to the scope of the scheme; and

the scheme includes appropriate measures and procedures to ensure that the requirements of the Act and these Regulations are complied with;

- (f) the scheme operator has in place appropriate measures to manage actual and perceived conflicts of interest; and
 - (g) the scheme operator has in place appropriate measures to address non-compliance with the requirements of the Act and these Regulations, including the creation of certificates for small generation units; and
 - (h) the scheme operator has in place appropriate measures to ensure the discipline of persons accredited under the scheme, including the scheme's requirements, and the requirements of the Act, in relation to the design and installation of small generation units; and
 - (i) the scheme operator has given the undertaking in section 10(1)(b); and
 - (j) the fees to be charged under the scheme are reasonable.
- (2) In deciding whether to approve an application, the Regulator must have regard to the guidelines determined by the Regulator under subregulation (1).
 - (3) The Regulator may, in writing, determine guidelines for the Regulator to apply in deciding whether to approve an application.
 - (4) The Regulator must publish details of any guidelines determined by the Regulator on the Regulator's website.

Notification of decision

- (1) A decision of the Regulator to approve, or refuse, an application for accreditation is a notifiable instrument as soon as practicable after the decision is made.
- (2) In addition to the requirement under subregulation (1), the Regulator must, within 14 days of making a decision to approve, or refuse, the application,
 - (a) notify the applicant in writing of the decision; and
 - (b) publish the decision on the Regulator's website; and
 - (c) if the decision is to approve the application—on the Regulator's website,
 - (i) provide details of a publicly accessible website of the accreditation scheme; and
 - (ii) specify the day on which the accreditation scheme will commence; and
 - (d) if the decision is to refuse the application—in addition to paragraph (a) a statement of the applicant's reasons for the decision.

Duration of approval

An approval remains in force until it is revoked by the Regulator.

vocation of approval

- (1) The Regulator may revoke the approval of an accredited
 - (a) the Regulator considers it is no longer appropriate having regard to the criteria in subregulation 20BK(1); and
 - (b) the Regulator reasonably believes any of the following:
 - (i) the applicant made a false or misleading statement in the Subdivision;
 - (ii) any person involved in the management of the scheme provided misleading information or documents to the Regulator in performing functions or exercising powers under the Regulations;
 - (iii) there has been a failure to comply with an applicable paragraph 20BD(2)(f);
 - (iv) the scheme is operating in a manner that is not the manner described by the applicant in the Subdivision;
 - (v) non-compliance with the requirements of the Regulations to the satisfaction of the Regulator;
 - (vi) the scheme operator or any other person in charge of the scheme is not a fit and proper person.
- (2) The Regulator must revoke the approval of an accredited scheme if the scheme operator requests the Regulator, in writing, to revoke the approval.

Notice of proposed revocation

Notice of proposed revocation

- (1) Before deciding to revoke an approval of an accredited scheme under subregulation 20BK(1), the Regulator must:
 - (a) notify the scheme operator, in writing, of:
 - (i) the proposed revocation; and
 - (ii) the reasons for the proposed revocation; and
 - (b) invite the scheme operator to:
 - (i) make a submission as to why the approval should not be revoked;
 - (ii) do so within the period specified in the notice.
 - (c) both:
 - (i) publish details of the proposed revocation on the Regulator's website on the day that the Regulator notifies the scheme operator under paragraph (a); and
 - (ii) invite members of the public to make submissions on the proposed revocation within the period specified in the notice.
- (2) The period (the **response period**) specified in the notice must be at least 28 days commencing on the day the notice is given.

Decision on revocation

- (3) In deciding whether to revoke the approval of an accredited scheme under subregulation 20BK(1), the Regulator must consider the scheme operator's response period.
- (4) The Regulator must:
 - (a) both:
 - (i) notify the scheme operator, in writing, of the decision;
 - (ii) publish details of the decision on the Regulator's website.
 - (b) do so within 28 days after the end of the response period.

- (5) If the decision is to revoke the approval of the accreditation, the published details must include the reasons for the decision.

Deemed decision to revoke

- (6) If the Regulator does not comply with subregulation 20BD(4) during the response period, the Regulator is taken to have decided to revoke the accreditation scheme at the end of that period.

- (7) Paragraph (4)(a) does not apply to a decision that is taken under subregulation (6).

When revocation has effect

- (8) If no submissions were made within the response period, the revocation takes effect on the day after the last day of the response period.

- (9) If submissions were made within the response period, the revocation takes effect on the day after the Regulator is taken to have decided to revoke the accreditation scheme, under subregulation (6), if:
- (a) if the scheme operator was given a notice under subregulation (4) and the scheme operator was given the notice; or
 - (b) if the scheme operator was not given a notice under subregulation (4) after the Regulator is taken, under subregulation (6), to have decided to revoke the approval of the accreditation scheme.

Notification of deemed decision

- (10) If a decision (the **deemed decision**) is taken to have decided to revoke the accreditation scheme, under subregulation (6), the Regulator must publish details of the decision on the Regulator's website as soon as practicable after the decision has been made.

Decision to be notified by notifiable instrument

- (11) In addition to any other requirement under this regulation, the Regulator must issue a notifiable instrument (the **deemed decision**) to revoke the approval of an accreditation scheme as soon as practicable after the decision has been made.

Effect of revocation

If the Regulator revokes the approval of an accreditation scheme, the following provisions have effect:

- (a) subject to paragraph (b), a person accredited under the accreditation scheme (the **continued accreditation**) for all purposes of the accreditation scheme has been revoked;
- (b) the continued accreditation ceases to be in effect:
 - (i) unless otherwise agreed in writing with the Regulator, the continued accreditation would have ceased to be in effect if the accreditation scheme had not been revoked;
 - (ii) 12 months after the day the revocation of the accreditation scheme comes into effect.

Other approvals if no approved accreditation scheme

- (1) If a revocation of the approval of an accreditation scheme for a small generation unit mentioned in subregulation 20AC(2) results in there being no accreditation scheme in force for that kind of small generation unit, subregulations 20BD, apply to the Regulator to approve the accreditation scheme for that kind of small generation unit.
- (2) Despite subregulations 20BD(4) and (5), the application for accreditation specified for the purposes of this regulation by the Regulator must be published on the Regulator's website.

3 Regulation 45 (heading)

Omit “Clean Energy Council”, substitute “scheme oper

4 Regulation 45

Omit “Clean Energy Council”, substitute “the scheme op
under which the person or persons who designed and inst
accredited”.

5 Subregulation 49(1) (after table item 2AD)

Insert:

2AF	Decision under Subdivision 2.3.4 to refuse to approve an acc scheme
2AG	Decision under subregulation 20BK(1) to revoke the approv accreditation scheme

6 In the appropriate position in Part 9

Insert:

Amendments made by Schedule 2 to the *Renewable Energy (Elec (Small-Scale Renewable Energy Scheme Refor Regulations 2021*

Existing accreditations

- (1) This regulation applies if an accreditation mentioned
(d) was in force for a person immediately before 1 J
- (2) The accreditation for the person:
 - (a) continues to have effect on and from 1 July 2022
mentioned in paragraph 20AC(2)(a), (b), (c) o
Schedule; and
 - (b) unless it ceases to have effect earlier in accorda
effect at the later of:
 - (i) the end of 31 December 2022; and
 - (ii) the end of the period of 3 months commen
approves an accreditation scheme under 1

Pending applications

- (3) This regulation also applies in relation to an applicat
under the Clean Energy Council accreditation schen
 - (a) made, but not finally determined, before 1 July :
 - (b) made on or after 1 July 2022 and before the app
under regulation 20BG.
- (4) Despite the repeal and substitution of paragraphs 20/
amending Schedule, the person may, until an accred
regulation 20BG, be accredited under the Clean Ene
if those paragraphs had not been repealed.
- (5) An accreditation mentioned in subregulation (4):
 - (a) has effect as if it were an accreditation under an
the Regulator under regulation 20BG; and
 - (b) unless it ceases to have effect earlier in accorda
effect at the later of:
 - (i) the end of 31 December 2022; and

- (ii) the end of the period of 3 months commencing on the day that the Minister approves an accreditation scheme under 1

Definitions

- (6) In this regulation:

amending Schedule means Schedule 2 to the *Renewable Energy (Electricity) Amendment (Small-Scale Renewable Energy Scheme Reforms and Other Measures) Regulations 2021*.

ule 3—Solar water heaters

Renewable Energy (Electricity) Regulations 2001

1 Regulation 19 (note)

Repeal the note, substitute:

Note: Certificates may only be created within 12 months a
(see subsection 21(2) of the Act).

2 Subregulation 19C(3A)

Repeal the subregulation, substitute:

(3A) The Regulator may remove a device from the Register

- (a) the device is not a solar water heater; or
- (b) a certification that was given to the device as m
(3) has expired; or
- (c) the device poses a safety risk.

(3B) Before removing a device from the Register under pa
Regulator must:

- (a) give written notice of the proposed removal, spe
removal, to:
 - (i) the manufacturer of the device; and
 - (ii) any person who made a request in relation
subregulation 19BC(1); and
- (b) consider any submissions made in response to tl

3 Subregulation 49(1) (after table item 2)

Insert:

2AA	Decision under subregulation 19C(3A) to remove a device from the Register of solar water heaters	Any of the f (a) the manu (b) a person to the de subregul (c) a person sale or ir
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4 In the appropriate position in Part 9

Insert:

Amendments made by Schedule 3 to the *Renewable Energy (Electricity) Amendment (Small-Scale Renewable Energy Scheme Reforms and Other Measures) Regulations 2021*

The amendments of these Regulations made by Sche
*(Electricity) Amendment (Small-Scale Renewable E
Measures) Regulations 2021* apply to devices entere
heaters before, on or after 1 January 2022.

Rule 4—Other amendments

-Suspending accreditation of a power station

Renewable Energy (Electricity) Regulations 2001

1 Regulation 20D

Omit “For subsection”, substitute “(1) For the purposes c

2 At the end of regulation 20D

Add:

- ; or (e) the nominated person for the power station appl
subregulation (2), to suspend the accreditation
 - (f) the power station has become inoperable becau:
part, of the components of the electricity gene:
power station; or
 - (g) both of the following apply:
 - (i) the nominated person for the power station
registration is suspended under section 30
 - (ii) the suspension relates to the power station.
- (2) For the purposes of paragraph (1)(e), the application
- (a) be made in a manner and form approved by the
 - (b) provide a reason for the proposed suspension; a
 - (c) specify the day the proposed suspension is to be
suspension, which may be indefinite; and
 - (d) be accompanied by a statement in writing from
the power station indicating that the stakehold:
application.

-Exemption certificates

Renewable Energy (Electricity) Regulations 2001

3 Regulation 22D

Omit “of paragraph (b)”.

4 Subregulation 22E(1)

After “For”, insert “the purposes of”.

5 Subregulation 22E(2)

Repeal the subregulation, substitute:

- (2) For the purposes of subsection 38C(2) of the Act, the certificate is to be published within 28 days after an exemption certificate is issued:
- (a) the name of the person to whom the certificate is issued;
 - (b) the site and the emissions-intensive trade-exposed activity to which the certificate relates;
 - (c) the State or Territory in which the site is located.

6 Subregulation 22E(3)

After “For”, insert “the purposes of”.

7 Regulation 22LA

Before “If”, insert “(1)”.

8 Paragraph 22LA(e)

Repeal the paragraph, substitute:

- (e) either:
- (i) the prescribed person applies again under section 38C(2) before the end of the year in relation to the activity to which the certificate relates;
 - or
 - (ii) subregulation (2) applies in relation to another person;

9 Regulation 22LA

After “then the prescribed person”, insert “or the contracting person”.

10 At the end of regulation 22LA

Add:

- (2) For the purposes of subparagraph (1)(e)(ii), this subparagraph applies to a contracting person, if:
- (a) with the consent of the prescribed person mentioned in subparagraph (1)(e)(ii), the contracting person makes an application under section 38C(2) before the end of the year in relation to the activity to which the certificate relates; and
 - (b) immediately before the day the application is made, the contracting person is a party to a contract with the new liable entity for the activity to which the certificate relates at the site.

11 At the end of paragraph 22O(1)(h)

Add:

- and (iv) if there are one or more meters at the site to which the certificate relates (within the meaning of the National Electricity Law);

subparagraph (iii) does not apply—identi
meter, including the National Metering Ic

12 Regulations 22Q and 22R

Repeal the regulations.

13 Subregulation 22S(3)

Omit “mentioned in” (first occurring), substitute “under”

14 After paragraph 22S(3)(c)

Insert:

- (ca) if the application is made by the contracting per
subparagraph 22LA(1)(e)(ii)—provide eviden
mentioned in paragraph 22LA(1)(a) has conse
making the application; and

15 Subregulation 22UG(1) (heading)

Omit “*Applicant using*”, substitute “*Use of*”.

16 Paragraph 22UG(1)(a)

Omit “the applicant has not previously made an applicati
not previously been made”.

17 Subregulation 22UG(2) (heading)

Omit “3 years”, substitute “5 years”.

18 Paragraph 22UG(2)(a)

Repeal the paragraph, substitute:

- (a) the year is at least 4 years after the last year for
the site was accompanied by an audit report re

19 At the end of paragraph 22ZHC(2)(b)

Add:

- (iii) any other errors that have affected the exer
certificate in relation to any of the 3 imm
not otherwise been corrected; and

20 Subregulation 22ZL(3)

After “60”, insert “business”.

21 At the end of subregulation 22ZN(2)

Add:

- ; (f) that in general an exemption certificate should
after the start of the year to which the certifica

22 Paragraph 22ZPA(a)

After “entity”, insert “, an activity, a site”.

23 Paragraph 22ZPA(a)

Omit “following an application by a prescribed person”.

24 Paragraph 22ZPA(b)

Omit “the prescribed person”, substitute “a person”.

25 Paragraph 22ZPA(c)

Omit “another liable entity and the year”, substitute “the
another liable entity”.

26 Paragraph 22ZPA(d)

After “and (c)”, insert “, and (ca) if applicable,”.

27 Paragraph 22ZS(1)(b)

Omit “during”, substitute “before 1 February in the year :

-Northern Territory Electricity System and M

ble Energy (Electricity) Regulations 2001

28 Subregulation 3(1) (definition of *IMO*)

Repeal the definition.

29 Subregulation 3(1)

Insert:

National Electricity (NT) Rules has the same meaning as in the *National Electricity (Northern Territory) (National Uniform Legislation) Regulations 2001* at any time to time.

NTESMO has the same meaning as in the *National Electricity (Northern Territory) (National Uniform Legislation) Regulations 2001*.

Note: See item 99A of Schedule 2 to the *National Electricity (Northern Territory) (National Uniform Legislation) (Modification) Regulations 2016* (NT),

30 Regulation 21A

Omit “the *IMO*”, substitute “*NTESMO*”.

31 Paragraph 21(1)(a)

Omit “*IMO*” (wherever occurring), substitute “*NTESMO*”.

32 Subparagraph 21(1)(b)(i)

Omit “*IMO*”, substitute “*NTESMO*”.

33 Paragraphs 24(1)(i), 25(1)(d) and 25A(1)(d)

Omit “*IMO*”, substitute “*NTESMO*”.

Clean Energy Regulator Act 2011



- C2016C00318

In force

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Superseded Version

[View Series](#)



Clean Energy Regulator Act 2011

No. 163, 2011

Compilation No. 10

Compilation date:	5 March 2016
Includes amendments up to:	Act No. 126, 2015
Registered:	19 April 2016

About this compilation

This compilation

This is a compilation of the *Clean Energy Regulator Act 2011* the amended and in force on 5 March 2016 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include in the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text uncommenced amendments affecting the law are accessible on th (www.legislation.gov.au). The details of amendments made up to compilation date are underlined in the endnotes. For more informr amendments, see the series page on the Legislation Register for t

Application, saving and transitional provisions for provisions

If the operation of a provision or amendment of the compiled law saving or transitional provision that is not included in this compil endnotes.

Editorial changes

For more information about any editorial changes made in this cc

Modifications

If the compiled law is modified by another law, the compiled law modification does not amend the text of the law. Accordingly, thi of the compiled law as modified. For more information on any m the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordanc details are included in the endnotes.

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An Act to establish the Clean Energy Regulator purposes

–Preliminary

title

This Act may be cited as the *Clean Energy Regulator Act 2011*.

Commencement

- (1) Each provision of this Act specified in column 1 of the table has commenced, in accordance with column 2 of the table. If a column 2 entry in the table has effect according to its terms.

Commencement information	
Column 1	Column 2
Provision(s)	Commencement
1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.
2. Sections 3 to 57	At the same time as section 3 of the <i>Clean Energy Act 2011</i> commences.

Note: This table relates only to the provisions of this Act as in force at the time of commencement of this Act and does not deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act, and any information inserted in this column, or information in it may be inserted in this Act.

Simplified outline

The following is a simplified outline of this Act:

- This Act establishes the Clean Energy Regulator.
- The Regulator has such functions as are conferred on it by this Act:
 - (a) the *Carbon Credits (Carbon Farming) Act 2011*
 - (b) the *National Greenhouse and Energy Reporting Act 2011*
 - (c) the *Renewable Energy (Electricity) Act 2011*
 - (d) the *Australian National Registry of Emissions Units Act 2011*

ions

In this Act:

Australian police force means:

- (a) the Australian Federal Police; or
- (b) a police force or police service of a State or Territory.

Climate Change Convention means the United Nations Framework Convention on Climate Change, done at New York on 9 May 1992, as amended, in force for Australia from time to time.

Note: The text of the Convention is set out in Australian Treaties Library 2013, the text of a Convention in the Australian Treaties Library on the AustLII website ([http://www.austlii.edu.au/au/other/austrlii/australian_treaties_library/](http://www.austlii.edu.au/au/other/austrlii/austrlii/australian_treaties_library/)).

climate change law means any of the following:

- (a) this Act or legislative instruments under this Act;
 - (i) the *Carbon Credits (Carbon Farming Initiative) Act 2015* under that Act;
 - (j) the *National Greenhouse and Energy Reporting Act 2011* under that Act;
 - (k) the *Renewable Energy (Electricity) Act 2000* or the *Renewable Energy (Electricity) Act 2011* under that Act;
 - (l) the *Renewable Energy (Electricity) (Large-scale) Act 2000* under that Act;
 - (m) the *Renewable Energy (Electricity) (Small-scale) Act 2010* under that Act;
 - (n) the *Australian National Registry of Emissions Units Act 2012* or legislative instruments under that Act.

engage in conduct means:

- (a) do an act; or
- (b) omit to perform an act.

foreign country includes a region where:

- (a) the region is a colony, territory or protectorate of a foreign country; or
- (b) the region is part of a foreign country; or
- (c) the region is under the protection of a foreign country; or
- (d) a foreign country exercises jurisdiction or control over the region; or
- (e) a foreign country is responsible for the region's external relations.

greenhouse gas has the same meaning as in the *National Greenhouse and Energy Reporting Act 2011*.

international agreement means an agreement whose terms are binding on Australia.

- (a) Australia and a foreign country; or
- (b) Australia and 2 or more foreign countries.

international climate change agreement means:

- (a) the Climate Change Convention; or
- (b) any other international agreement, signed on behalf of Australia, that
 - (i) relates to climate change; and
 - (ii) imposes obligations on Australia to take action to reduce greenhouse gas emissions; or
- (c) an international agreement, signed on behalf of Australia, that
 - (i) relates to climate change; and
 - (ii) is specified in a legislative instrument made under this Act.

international climate change body means:

- (a) a body established under an international climate change agreement; or
- (b) a body established by a body mentioned in paragraph (a).

Joint Petroleum Development Area has the same meaning as in the *Joint Petroleum Development Area (Sea Treaty) Act 2003*.

member of the Regulator includes the Chair of the Regulator.

methodology determination has the same meaning as in the *Farming Initiative) Act 2011*.

objectives of the Regulator includes:

- (b) the specific objectives of the Regulator in relation to the *Farming Initiative) Act 2011* or legislative instrument made under that Act;
- (c) the specific objectives of the Regulator in relation to the *Energy Reporting Act 2007* or legislative instrument made under that Act;
- (d) the specific objectives of the Regulator in relation to the *(Electricity) Act 2000* or legislative instrument made under that Act;
- (e) the specific objectives of the Regulator in relation to the *Registry of Emissions Units Act 2011* or legislative instrument made under that Act.

official of the Regulator means:

- (a) a member of the Regulator; or
- (b) a member of the staff of the Regulator; or
- (c) a person whose services are made available to the Regulator; or
- (d) a person engaged as a consultant under section 15.

offsets project has the same meaning as in the *Carbon Farming Initiative) Act 2011*.

prescribed eligible carbon unit has the same meaning as in the *Farming Initiative) Act 2011*.

protected information means information that:

- (a) was obtained after the commencement of this section and is information of a confidential nature in the capacity as an official of the Regulator; and
- (b) relates to the affairs of a person other than an official of the Regulator.

Regulator means the Clean Energy Regulator.

Royal Commission has the same meaning as in the *Administrative Decisions Review Act 2011*.

Secretary means the Secretary of the Department.

staff of the Regulator means the staff described in section 10.

State/Territory government body means:

- (a) the government of a State or Territory; or
- (b) an agency or authority of a State or Territory.

United Nations Convention on the Law of the Sea means the Convention on the Law of the Sea, done at Montego Bay on 10 December 1982.

Note: The text of the Convention is set out in Australian Treaty Collection. In 2011, the text of an international agreement in force is made available through the Australian Treaties Library on the Australian Government website.

vacancy, in relation to the office of a member of the Regulator, means a vacancy in that office as defined by section 5.

vacancy in the office of a member of the Regulator

For the purposes of a reference in:

- (a) this Act to a **vacancy** in the office of a member of the Regulator;
 - (b) the *Acts Interpretation Act 1901* to a **vacancy** in the office of a member of the Regulator;
- there are taken to be 4 offices of members of the Regulator.

the Crown is not to be bound

- (1) This Act binds the Crown in each of its capacities.
- (2) This Act does not make the Crown liable to a pecuniary penalty or to an offence.
- (3) The protection in subsection (2) does not apply to an offence under this Act.

extension of the Act to external Territories

This Act extends to every external Territory.

Extension to exclusive economic zone and continental shelf

This Act extends to a matter relating to the exercise of rights in an exclusive economic zone or the continental shelf.

Extension to Joint Petroleum Development Area

This Act extends to the Joint Petroleum Development Area.

Exemption of foreign ships

This Act does not apply to the extent that its application would prevent the exercise of rights of foreign ships in:

- (a) the territorial sea; or
- (b) the exclusive economic zone; or
- (c) waters of the continental shelf;

in accordance with the United Nations Convention on the Law of the Sea.

–Clean Energy Regulator

1—Regulator’s establishment, functions, powers

Energy Regulator

(1) The Clean Energy Regulator is established by this se

Note 1: The Regulator does not have a legal identity separat

Note 2: In this Act, **Regulator** means the Clean Energy Regi

(2) For the purposes of the finance law (within the mean *Performance and Accountability Act 2013*):

- (a) the Regulator is a listed entity; and
- (b) the Chair of the Regulator is the accountable au
- (c) the following persons are officials of the Regula
 - (i) the Chair of the Regulator;
 - (ii) the other members of the Regulator;
 - (iii) the staff of the Regulator referred to in sec
 - (iv) persons whose services are made available
 - (v) consultants engaged under section 38; and
- (d) the purposes of the Regulator include the functi
 - section 12.

ions of the Regulator

The Regulator has the following functions:

- (a) such functions as are conferred on the Regulator
- (b) such functions as are conferred on the Regulator
Commonwealth;
- (c) to do anything incidental to or conducive to the
functions.

s of the Regulator

The Regulator has power to do all things necessary o:
connection with the performance of its functions.

Note: The Chair of the Regulator may enter into contracts
Commonwealth. See section 23 of the *Public Gover*
2013.

ator has privileges and immunities of the Crown

The Regulator has the privileges and immunities of tl
Commonwealth.

2—Membership of the Regulator

Membership of the Regulator

The Regulator consists of the following members:

- (a) a Chair;
- (b) at least 2, and not more than 4, other members.

Appointment of members of the Regulator

- (1) Each member of the Regulator is to be appointed by

Note: The member of the Regulator is eligible for reappointment.

- (2) A person is not eligible for appointment as a member of the Regulator unless the Minister is satisfied that the person has:

- (a) substantial experience or knowledge; and
- (b) significant standing;

in at least one of the following fields:

- (c) economics;
- (d) industry;
- (e) energy production and supply;
- (f) energy measurement and reporting;
- (g) greenhouse gas emissions measurement and reporting;
- (h) greenhouse gas abatement measures;
- (i) financial markets;
- (j) trading of environmental instruments;
- (k) land resource management;
- (l) public administration.

- (3) The Chair of the Regulator holds office on a full-time basis.

- (4) A member of the Regulator (other than the Chair) may hold office on a part-time basis.

Term of appointment for members of the Regulator

A member of the Regulator holds office for the period of their appointment. The period must not exceed 5 years.

Note: For reappointment, see the *Acts Interpretation Act 1988*.

Acting members of the Regulator

Acting Chair of the Regulator

- (1) The Minister may appoint a person to act as the Chair of the Regulator.

- (a) during a vacancy in the office of the Chair of the Regulator, when an appointment has previously been made to the office;
- (b) during any period, or during all periods, when the person:
 - (i) is absent from duty or Australia; or
 - (ii) is, for any reason, unable to perform the duties of the office.

Acting member of the Regulator (other than the Chair of the Regulator):

- (2) The Minister may appoint a person to act as a member of the Regulator (other than the Chair of the Regulator):
 - (a) during a vacancy in the office of a member of the Regulator (other than the Chair of the Regulator), whether or not an appointment has previously been made to the office; or
 - (b) during any period, or during all periods, when a member of the Regulator (other than the Chair of the Regulator):
 - (i) is absent from duty or Australia; or
 - (ii) is, for any reason, unable to perform the duties of the office.

Eligibility

- (3) A person is not eligible for appointment to act as:
 - (a) the Chair of the Regulator; or
 - (b) a member of the Regulator (other than the Chair of the Regulator) unless the person is eligible for appointment as a member of the Regulator.

Note 1: See subsection 18(2).

Note 2: For rules that apply to acting appointments, see section 18(2) of the *Interpretation Act 1901*.

3—Terms and conditions for members of the Reg

neration

- (1) A member of the Regulator is to be paid the remuneration determined by the Remuneration Tribunal. If no determination of that remuneration is made by the Tribunal in the first 12 months of the Regulator's operation, a member of the Regulator is to be paid the remuneration determined by the regulations.
- (2) A member of the Regulator is to be paid the allowance determined by the regulations.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1972*.

Disclosure of interests

- (1) A disclosure by a member of the Regulator under section 29 of the *Performance and Accountability Act 2013* (which deals with the disclosure of interests) must be made to the Minister.
- (2) Subsection (1) applies in addition to any rules made under section 29 of that Act.
- (3) For the purposes of this Act and the *Public Governance and Accountability Act 2013*, a member of the Regulator is taken to have disclosed an interest under section 29 of that Act if the member does not comply with subsection (1).

Restrictions on employment

- (1) A full-time member of the Regulator must not engage in any other employment or duties of his or her office without the Minister's approval.
- (2) A part-time member of the Regulator must not engage in any other employment or duties that conflict or may conflict with the proper performance of his or her duties.

Leave of absence

- (1) A full-time member of the Regulator has the recreational leave to which he or she is entitled determined by the Remuneration Tribunal.
- (2) The Minister may grant leave of absence, other than sick leave, to a member of the Regulator on the terms and conditions that the Minister determines.
- (3) The Chair of the Regulator may grant leave of absence to a member of the Regulator on the terms and conditions that the Chair determines.

Resignation

- (1) A member of the Regulator may resign his or her appointment by giving the Minister a written resignation.

- (2) The resignation takes effect on the day it is received specified in the resignation, on that later day.

Termination of appointment

- (1) The Minister may terminate the appointment of a member if the member has engaged in misbehaviour or physical or mental incapacity.
- (2) The Minister may terminate the appointment of a member if:
 - (a) the member:
 - (i) becomes bankrupt; or
 - (ii) applies to take the benefit of any law for the relief of insolvent debtors; or
 - (iii) compounds with his or her creditors; or
 - (iv) makes an assignment of his or her remuneration to his or her creditors; or
 - (b) if the member is a full-time member—the member has, without the Minister's approval, in paid employment outside the Regulator (see section 24); or
 - (c) if the member is a part-time member—the member has a conflict of interest that conflicts or may conflict with the proper performance of the member's duties (see section 24); or
 - (d) the member fails, without reasonable excuse, to comply with the *Public Governance, Performance and Accountability Act 2013* (the duty to disclose interests) or rules made for the Regulator; or
 - (e) the member is absent, except on leave of absence, for more than 30 days in a year from the Regulator.

Terms and conditions

A member of the Regulator holds office on the terms and conditions of appointment, and on matters not covered by this Act that are determined by the Regulator.

4—Decision-making by the Regulator

ing of meetings

- (1) The Regulator is to hold such meetings as are necessary for the Regulator to perform its functions.
- (2) The Chair of the Regulator may convene a meeting at any time.

ing at meetings

- (1) The Chair of the Regulator presides at all meetings of the Regulator.
- (2) If the Chair of the Regulator is not present at a meeting, the Regulator must appoint one of its members to preside.

in

At a meeting of the Regulator, 2 members of the Regulator must be present.

; at meetings etc.

- (1) At a meeting of the Regulator, a question is decided by a majority of the members of the Regulator present and voting.
- (2) The person presiding at a meeting has a deliberative vote, and, if the person presiding is a member of the Regulator, also has a casting vote.

ict of meetings

The Regulator may, subject to this Division, regulate the conduct of its meetings in such manner as it considers appropriate.

Note: Section 33B of the *Acts Interpretation Act 1901* provides that a meeting may be held by telephone etc.

es

The Regulator must keep minutes of its meetings.

5—Delegation

Delegation by the Regulator

- (1) The Regulator may, by writing, delegate any or all of
- (a) a member of the Regulator; or
 - (b) a person who is:
 - (i) a member of the staff of the Regulator; and
 - (ii) an SES employee or acting SES employee.
 - (c) a person who is:
 - (i) a member of the staff of the Regulator; and
 - (ii) an APS employee who holds or performs that position or an equivalent position; or
 - (d) a person who is:
 - (i) a person assisting the Regulator under section 100; and
 - (ii) an SES employee or acting SES employee.
 - (e) a person who is:
 - (i) a person assisting the Regulator under section 100; and
 - (ii) an APS employee who holds or performs that position, or an equivalent position, in the

Note: The expressions *SES employee* and *acting SES employee* have the same meaning as in the *Clean Energy Regulator Act 1901*.

- (2) A delegate must comply with any written directions of the Regulator.
- (3) Subsection (1) does not apply to a power to make, vary or revoke an instrument.

6—Staff of the Regulator etc.

- (1) The staff of the Regulator are to be persons engaged
- (2) For the purposes of the *Public Service Act 1999*:
 - (a) the Chair of the Regulator and the staff of the R
Statutory Agency; and
 - (b) the Chair of the Regulator is the Head of that St

Persons assisting the Regulator

The Regulator may also be assisted:

- (a) by officers and employees of Agencies (within t
Act 1999); or
- (b) by officers and employees of authorities of the C
- (c) by officers and employees of a State or Territory
- (d) by officers and employees of authorities of a Sta
whose services are made available to the Regulator i
of any of its functions.

Consultants

- (1) The Regulator may engage persons having suitable q
consultants to the Regulator.
- (2) The consultants are to be engaged on the terms and c
determines in writing.

7—Planning and reporting obligations

Corporate plan

- (1) A corporate plan prepared by the Chair of the Regulator under section 46 of the *Public Governance, Performance and Accountability Act 2013* (any) as the Minister requires.
- (2) The Minister may give the Chair written guidelines to assist the Chair in deciding whether a matter is covered by subsection (1).
- (3) A guideline given under subsection (2) is not a legislative instrument.

Annual report

- (1) An annual report prepared by the Chair of the Regulator under section 46 of the *Public Governance, Performance and Accountability Act 2013* in addition to a report under section 105 of the *Renewable Energy (Feed-in Tariffs) Act 2012* (the **REE Act**).
- (2) If a report (the **REE report**) under section 105 of the *Renewable Energy (Feed-in Tariffs) Act 2012* has been presented to the Parliament, the report prepared by the Chair of the Regulator under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period that ends after the end of the calendar year in which the report is prepared:
 - (a) need not deal comprehensively with the working of the REE Act during any part of that period that overlaps with the calendar year;
 - (b) must include a summary of the REE report, to the extent that the summary is consistent with the working of the REE Act during any part of that period that overlaps with the calendar year.

8—Other matters

ter may give directions to the Regulator

- (1) The Minister may, by legislative instrument, give directions to the Regulator in relation to the performance of its functions and the exercise of its powers.

Note 1: For variation and revocation, see subsection 33(3) of this Act.

Note 2: Section 42 (disallowance) and Part 4 of Chapter 3 (regulations) do not apply to the direction (see regulations made for the purposes of subsection 54(2)(b) of that Act).

- (2) A direction under subsection (1) must be of a general nature.
- (3) A direction under subsection (1) must not be inconsistent with:
- (b) the *Carbon Credits (Carbon Farming Initiative) Act 2012*;
 - (c) the *National Greenhouse and Energy Reporting Act 2007*;
 - (d) the *Renewable Energy (Electricity) Act 2000*.
- (4) The Regulator must comply with a direction under subsection (1).

of the Regulator not subject to direction by the Regulator

To avoid doubt, the Chair of the Regulator is not subject to a direction under subsection (1) in relation to the Chair's performance of functions, or exercise of powers,

- (a) the *Public Governance, Performance and Accountability Act 2013*;
- (b) the *Public Service Act 1999*;

in relation to the Regulator.

–Secrecy

y

- (1) A person commits an offence if:
 - (a) the person is, or has been, an official of the Regulator;
 - (b) the person has obtained protected information in the course of the Regulator's functions; and
 - (c) the person:
 - (i) discloses the information to another person;
 - (ii) uses the information.

Penalty: Imprisonment for 2 years or 120 penalty units.

Exceptions

- (2) Each of the following is an exception to the prohibition:
 - (a) the disclosure or use is authorised by a provision of the Act;
 - (b) the disclosure or use is in compliance with a requirement:
 - (i) a law of the Commonwealth; or
 - (ii) a prescribed law of a State or a Territory.

Note: A defendant bears an evidential burden in relation to subsection 13.3(3) of the *Criminal Code*.

- (3) Except where it is necessary to do so for the purpose of changing the law, an official of the Regulator is not to be:
 - (a) to produce to a court or tribunal a document containing protected information;
 - (b) to disclose protected information to a court or tribunal.

Disclosure or use for the purposes of a climate change law etc.

An official of the Regulator may disclose or use protected information if:

- (a) the disclosure or use is for the purposes of a climate change law;
- (b) the disclosure or use is for the purposes of the Regulator's functions under a climate change law; or
- (c) the disclosure or use is in the course of the official's functions as an official of the Regulator.

Disclosure to Ministers etc.

- (1) An official of the Regulator may disclose protected information to a Minister if:
- (2) An official of the Regulator may disclose protected information to a Minister who is responsible for administering a program,

- (a) greenhouse gas emissions (within the meaning of *Energy Reporting Act 2007*); or
 - (b) energy consumption (within the meaning of that Act); or
 - (c) energy production (within the meaning of that Act).
- (3) An official of the Regulator may disclose protected information if:
- (a) the disclosure is for the purposes of that Act;
 - (b) the disclosure is for the purposes of that Act and the official is a member of the staff of a Minister referred to in subsection (1) or (2);

disclosure to Secretaries etc.

- (1) An official of the Regulator may disclose protected information if:
- (a) the Secretary; or
 - (b) an officer of the Department who is authorised for the purposes of this subsection;
- if the disclosure is for the purposes of:
- (c) advising the Minister; or
 - (ca) monitoring the operation of a climate change law; or
 - (cb) evaluating the effectiveness of a climate change law; or
 - (d) facilitating the monitoring of Australia's compliance with its obligations under an international climate change agreement; or
 - (e) facilitating the development of an international climate change agreement.
- (2) If a Minister is responsible for administering a program, an official of the Regulator may disclose protected information if:
- (a) greenhouse gas emissions (within the meaning of *Energy Reporting Act 2007*); or
 - (b) energy consumption (within the meaning of that Act); or
 - (c) energy production (within the meaning of that Act).
- if the disclosure is for the purposes of:
- (d) the Secretary of the Department administered by the Minister;
 - (e) an officer of that Department who is authorised for the purposes of this subsection;
- if the disclosure is for the purposes of:
- (f) advising that Minister; or
 - (g) administering that program, or collecting those data for the purposes of that program.

disclosure or use for purposes of development of methodology and data

- (1) The Regulator may disclose or use protected information if:
- (a) the disclosure or use is for the purposes of that Act;
 - (b) the disclosure or use is for the purposes of that Act and the Regulator is an offsets project if:

- (a) under section 27 of the *Carbon Credits (Carbon Regulator) Act 2011* has declared the offsets project to be
 - (b) more than 7 years have passed since the application was made for the declaration; and
 - (c) the information was:
 - (i) contained in the application; or
 - (ii) given in connection with the application; or
 - (iii) contained in an offsets report about the project
 - (d) the disclosure or use is for the purposes of facilitating more methodology determinations.
- (3) Subsection (1) does not apply to personal information (within the meaning of the *Privacy Act 1988*).

Disclosure to a Royal Commission

- (1) An official of the Regulator may disclose protected information to a Royal Commission.
- (2) The Chair of the Regulator may, by writing, impose conditions on the disclosure of protected information disclosed under subsection (1) in relation to protected information disclosed under subsection (1).
- (3) An instrument under subsection (2) is not a legislative instrument.

Disclosure to certain agencies, bodies and persons

Scope

- (1) This section applies if the Chair of the Regulator is satisfied that the disclosure of protected information, or a particular class of protected information, to the following agencies, bodies or persons:
 - (aa) a Department (within the meaning of the *Freedom of Information Act 2011*):
 - (a) the Australian Bureau of Statistics;
 - (b) the Australian Communications and Media Authority;
 - (c) the Australian Competition and Consumer Commission;
 - (d) the Australian Prudential Regulation Authority;
 - (e) the Australian Securities and Investments Commission;
 - (f) the National Competition Council;
 - (g) the Productivity Commission;
 - (h) the Australian Energy Regulator;
 - (i) the Australian Statistician;
 - (j) the Commissioner of Taxation;
 - (k) the Australian Competition Tribunal;
 - (l) the Director of Public Prosecutions;
 - (m) the Australian Transaction Reports and Analysis Centre;

- (n) the Reserve Bank of Australia;
- (o) Australian Energy Market Operator Limited (AEMO);
- (p) the Australian Energy Market Commission established under the *Market Commission Establishment Act 2004* or any other Act;
- (q) the Independent Market Operator established under the *(Independent Market Operator) Regulations 2011*;
- (r) Low Carbon Australia Limited (ACN 141 478 700);
- (s) the Climate Change Authority;
- (sa) the Clean Energy Finance Corporation;
- (t) the Land Sector Carbon and Biodiversity Board;
- (ta) the Energy Security Council;
- (u) the Comptroller-General of Customs (within the meaning of the *Customs Act 1901*);
- (ua) the Australian Renewable Energy Agency;
- (ub) a prescribed agency or authority of the Commonwealth;
- (v) a State/Territory government body whose function corresponds to a function of the Regulator;
- (w) a prescribed State/Territory government body;
- (x) a prescribed international climate change body;
- (y) a prescribed professional disciplinary body;
- (z) a person or body responsible for the administration of the issue or registration of prescribed eligible carbon credits to perform or exercise any of the functions or powers of the Regulator.

Disclosure

- (2) If an official of the Regulator is authorised by the Chair of the Regulator for the purposes of this section, the official may disclose protected information included in that class of protected information, to the agency, body or person concerned.
- (3) The Chair of the Regulator may, by writing, impose a condition in relation to protected information disclosed under subsection (2).
- (4) A person commits an offence if:
 - (a) the person is subject to a condition under subsection (3);
 - (b) the person engages in conduct; and
 - (c) the person's conduct breaches the condition.

Penalty: Imprisonment for 2 years or 120 penalty units.

- (5) An instrument under subsection (3) is not a legislative instrument.

Prescribed professional disciplinary bodies

- (6) A person commits an offence if:
- (a) the person is:
 - (i) a prescribed professional disciplinary body
 - (ii) a member of a prescribed professional disc
 - (b) protected information has been disclosed under
 - (c) the person:
 - (i) discloses the information to another person
 - (ii) uses the information.

Penalty: Imprisonment for 2 years or 120 penalty u

Exceptions

- (7) Subsection (6) does not apply if:
- (a) the disclosure or use is with the consent of the C
 - (b) the disclosure or use is for the purpose of:
 - (i) deciding whether or not to take disciplinary
 - (ii) taking that action.

Note: A defendant bears an evidential burden in relation to subsection 13.3(3) of the *Criminal Code*.

sure to certain financial bodies*Scope*

- (1) This section applies if the Chair of the Regulator is s
information, or a particular class of protected inform
corporate that:
- (a) either:
 - (i) conducts, or is involved in the supervision
 - (ii) is a body corporate that holds an Australian
Australian derivative trade repository lice
derivative trade repository; and
 - (b) is specified in the regulations;
to monitor compliance with, enforce, or perform fun
 - (c) the *Corporations Act 2001*; or
 - (d) the business law of a State or Territory; or
 - (e) the business law of a foreign country; or
 - (f) the operating rules (if any) of the body corporat

Disclosure

- (2) If an official of the Regulator is authorised by the Chair for the purposes of this section, the official may disclose protected information included in that class of protected information to the body corporate.

Conditions

- (3) The Chair of the Regulator may, by writing, impose conditions on the body corporate and its officers, employees and agents in relation to information disclosed to the body corporate under subsection (2).
- (4) A person commits an offence if:
- (a) the person is subject to a condition under subsection (3);
 - (b) the person engages in conduct; and
 - (c) the person's conduct breaches the condition.

Penalty: Imprisonment for 2 years or 120 penalty units.

- (5) An instrument under subsection (3) is not a legislative instrument.

Secondary disclosure and use

- (6) A person commits an offence if:
- (a) the person is:
 - (i) a body corporate; or
 - (ii) an officer, employee or agent of a body corporate;
 - (b) protected information has been disclosed under subsection (2) to the body corporate; and
 - (c) the person:
 - (i) discloses the information to another person; or
 - (ii) uses the information.

Penalty: Imprisonment for 2 years or 120 penalty units.

Exceptions

- (7) Each of the following is an exception to the prohibition in subsection (6):
- (a) the disclosure or use is with the consent of the Chair;
 - (b) the disclosure or use is for the purpose of monitoring or performing functions or exercising powers in relation to:
 - (i) the *Corporations Act 2001*; or
 - (ii) the business law of a State or Territory; or
 - (iii) the business law of a foreign country; or
 - (iv) the operating rules (if any) of the body corporate.

Note: A defendant bears an evidential burden in relation to subsection 13.3(3) of the *Criminal Code*.

Meaning of expressions

(8) In this section, the following expressions have the same meaning as in the *Act 2001*:

- (a) *Australian CS facility licence*;
- (aa) *Australian derivative trade repository licence*;
- (b) *financial market*;
- (c) *officer*;
- (d) *operating rules*;
- (e) *prescribed derivative trade repository*.

sure with consent

An official of the Regulator may disclose protected information if the disclosure is in accordance with the consent of a person if:

- (a) the person has consented to the disclosure; and
- (b) the disclosure is in accordance with that consent.

sure to reduce threat to life or health

An official of the Regulator may disclose protected information if:

- (a) the official believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of an individual; and
- (b) the disclosure is for the purposes of preventing or lessening that threat.

sure of publicly available information

An official of the Regulator may disclose protected information if the information has been lawfully made available to the public.

sure of summaries or statistics

An official of the Regulator may disclose:

- (a) summaries of protected information; or
 - (b) statistics derived from protected information;
- if those summaries or statistics, as the case may be, do not identify or lead to the identification of a person.

sure for purposes of law enforcement

Scope

- (1) This section applies if the Chair of the Regulator is satisfied that the disclosure of protected information is reasonably necessary for:
- (a) the enforcement of the criminal law; or
 - (b) the enforcement of a law imposing a pecuniary penalty; or
 - (c) the protection of the public revenue.

Disclosure

- (2) The Chair of the Regulator may disclose that protected information if the information is held by:
- (a) a Department, agency or authority of the Commonwealth; or
 - (b) an Australian police force;
- whose functions include that enforcement or protection or the enforcement or protection of a law imposing a pecuniary penalty or the protection of the public revenue.
- (3) If an official of the Regulator is authorised by the Chair of the Regulator for the purposes of this section, the official may disclose that protected information if the information is held by:
- (a) a Department, agency or authority of the Commonwealth; or
 - (b) an Australian police force;
- whose functions include that enforcement or protection or the enforcement or protection of a law imposing a pecuniary penalty or the protection of the public revenue.

Secondary disclosure and use

- (4) A person commits an offence if:
- (a) the person is, or has been, an employee or officer of:
 - (i) a Department, agency or authority of the Commonwealth or Territory; or
 - (ii) an Australian police force; and
 - (b) protected information has been disclosed under section 100 to a Department, agency, authority or police force;
 - (c) the person has obtained the information in the possession of an officer of the Department, agency, authority or police force; and
 - (d) the person:
 - (i) discloses the information to another person; or
 - (ii) uses the information.

Penalty: Imprisonment for 2 years or 120 penalty units.

- (5) Subsection (4) does not apply if:
- (a) the disclosure or use is with the consent of the Chair of the Regulator;

- (b) the disclosure or use is for the purpose of:
 - (i) enforcing the criminal law; or
 - (ii) enforcing a law imposing a pecuniary penalty; or
 - (iii) protecting the public revenue.

Note: A defendant bears an evidential burden in relation to subsection 13.3(3) of the *Criminal Code*.

Conditions

- (6) The Chair of the Regulator may, by writing, impose a condition in relation to protected information disclosed under subsection (5).
- (7) A person commits an offence if:
 - (a) the person is subject to a condition under subsection (6);
 - (b) the person engages in conduct; and
 - (c) the person's conduct breaches the condition.

Penalty: Imprisonment for 2 years or 120 penalty units.

- (8) An instrument under subsection (6) is not a legislative instrument.

Delegation

- (1) The Chair of the Regulator may, by writing, delegate functions and powers under this Part to a member of the Regulator.
- (2) A delegate must comply with any written directions of the Chair.

Authorisations

To avoid doubt, an authorisation under paragraph 46(1)(a), 50(2) or 55(3) may:

- (a) authorise a specified officer or official; or
- (b) authorise a person who holds, occupies or performs a specified office or position.

–Miscellaneous

Proceedings in the name of the Regulator

- (1) Proceedings brought by the Commonwealth in relation to the Regulator may be brought in the name of the Regulator.
- (2) Proceedings brought against the Commonwealth in relation to the Regulator may be brought against the Commonwealth.

Regulations

The Governor-General may make regulations prescribing

- (a) required or permitted by this Act to be prescribed;
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in t

Legislation history and amendment history—Endnotes 3 and

Amending laws are annotated in the legislation history and amen

The legislation history in endnote 3 provides information about e
amend) the compiled law. The information includes commencem
details of any application, saving or transitional provisions that a

The amendment history in endnote 4 provides information about
(generally section or equivalent) level. It also includes informati
compiled law that has been repealed in accordance with a provisi

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel
changes to a compiled law in preparing a compilation of the law :
not change the effect of the law. Editorial changes take effect fro

If the compilation includes editorial changes, the endnotes includ
general terms. Full details of any changes can be obtained from tl

Misdescribed amendments

A misdescribed amendment is an amendment that does not accur
made. If, despite the misdescription, the amendment can be giver
is incorporated into the compiled law and the abbreviation “(md)
amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended,
is added to the details of the amendment included in the amendm

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph
C[x] = Compilation No. x	/sub-subpara
Ch = Chapter(s)	pres = present
def = definition(s)	prev = previous
Dict = Dictionary	(prev...) = previous
disallowed = disallowed by Parliament	Pt = Part(s)
Div = Division(s)	r = regulation(s)
ed = editorial change	reloc = relocate
exp = expires/expired or ceases/ceased to have effect	renum = renumbered
F = Federal Register of Legislation	rep = repealed
gaz = gazette	rs = repealed as
LA = <i>Legislation Act 2003</i>	s = section(s)/sections
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule
(md) = misdescribed amendment can be given effect	Sdiv = Subdivision
(md not incorp) = misdescribed amendment cannot be given effect	SLI = Select Legislative Instrument
mod = modified/modification	SR = Statutory Rule
No. = Number(s)	Sub-Ch = Sub-chapter
	SubPt = Subpart
	<u>underlining</u> = v. commenced

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement
Clean Energy Regulator Act 2011	163, 2011	4 Dec 2011	s 3–57: 2 Apr 2012 (s 2(1) item 2) Remainder: 4 Dec 2011 (s 2(1) item 1)
Australian Renewable Energy Agency (Consequential Amendments and Transitional Provisions) Act 2011	152, 2011	4 Dec 2011	Sch 1 (item 2): 1 July 2012 (s 2(1) item 3)
Clean Energy Legislation Amendment Act 2012	84, 2012	28 June 2012	Sch 5 (item 2): 3 Aug 2012 (s 2(1) item 5)
Corporations and Financial Sector Legislation Amendment Act 2013	59, 2013	21 June 2013	Sch 1 (items 36–38): 19 July 2013 (s 2(1) item 2)
Clean Energy Legislation (Carbon Tax Repeal) Act 2014	83, 2014	17 July 2014	Sch 1 (items 95–104, 333): 1 July 2014 (s 2(1) item 2)
Carbon Farming Initiative Amendment Act 2014	119, 2014	25 Nov 2014	Sch 1 (items 370–376E, 383–393, 397–399): 13 Dec 2014 (s 2(1) item 2)
Public Governance and Resources Legislation Amendment Act (No. 1) 2015	36, 2015	13 Apr 2015	Sch 3 (items 1–5, 10), Sch 4 (items 1, 2), Sch 5 (items 20–24, 74–77) and Sch 7: 14 Apr 2014 (s 2)
as amended by			
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 486): 5 Mar 2016 (s 2(1) item 2)
Customs and Other Legislation Amendment (Australian Border Force) Act 2015	41, 2015	20 May 2015	Sch 6 (items 16, 17) and Sch 9: 1 July 2015 (s 2(1) items 2, 7)
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 122): 5 Mar 2016 (s 2(1) item 2)

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 3.....	am No 83, 2014
s 4.....	am No 83, 2014
Part 2	
Division 1	
s 11.....	am No 36, 2015
s 13.....	rs No 36, 2015
s 14.....	rep No 36, 2015
Division 2	
Division 2 heading.....	rs No 36, 2015
s 16.....	rep No 36, 2015
Division 3	
s 22.....	rs No 36, 2015
s 23.....	rep No 36, 2015
s 27.....	am No 36, 2015
Division 7	
Division 7.....	rs No 36, 2015
s 39.....	rs No 36, 2015
s 40.....	rs No 36, 2015
Division 8	
s 41.....	am No 83, 2014; No 126, 2015
s 42.....	am No 36, 2015
Part 3	
s 46.....	am No 119, 2014
s 47.....	am No 119, 2014
s 49.....	am No. 152, 2011; No. 84, 2012; No 83, 2014; No 1 2015
s 50.....	am No. 59, 2013; No 119, 2014
s 56A.....	ad No 119, 2014
Part 4	
s 57A.....	ad No 36, 2015



[Clean Energy Regulator](#) > [About the Clean Energy Regulator](#) > [Policies and publications](#) > [Fit and proper person posture](#)

Fit and Proper Person posture

24 August 2017



The Fit and Proper Person (FPP) test is a key control to protect the integrity of the schemes administered by the Clean Energy Regulator.

While particular eligibility requirements for each scheme may differ, the FPP requirements generally consider a person's past compliance with the law, whether they are insolvent, and whether they have the necessary capabilities and competence to effectively fulfil their intended scheme role.

By defining its FPP posture the Clean Energy Regulator is seeking to strengthen this control by making it clear that eligibility assessments undertaken by the agency do focus on client capability, competency, integrity and good character aspects.

This includes that:

- The agency will consider the specific legislative FPP categories, as well as non-prescribed 'other matters', such as a client's fitness to participate in schemes it administers. Consideration of 'other matters' can include an assessment of whether the relevant person (or its officers) have the necessary skills, capability and competency, business practices and good character that would reasonably be expected of a participant in our schemes,
- If the agency identifies matters flagged under any of the FPP categories, the agency will require the client to demonstrate or show cause why they should be permitted to or continue to participate in our schemes
- In some circumstances, a failure to meet FPP requirements will be sufficiently concerning that an immediate suspension or revocation may be considered.

The Clean Energy Regulator is progressively implementing this posture across its schemes and will ensure that clients have the necessary information to successfully participate in the schemes and a reasonable time to comply with scheme requirements where needed.

Australian Standard™

**Grid connection of energy systems via
inverters**

Part 2: Inverter requirements

This Australian Standard was prepared by Committee EL-042, Renewable Energy Power Supply Systems and Equipment. It was approved on behalf of the Council of Standards Australia on 6 April 2005. This Standard was published on 20 May 2005.

The following are represented on Committee EL-042:

Alternative Technology Association
Australian Electrical and Electronic Manufacturers Association
Business Council for Sustainable Energy
Electrical Regulatory Authorities Council
Electrical Safety Organisation, New Zealand
Electricity Engineers Association, New Zealand
ElectroComms & Energy Utilities Industries Skills Council
Energy Efficiency & Conservation Authority of New Zealand
Energy Networks Association
Institution of Professional Engineers, New Zealand
Ministry of Economic Development, New Zealand
National Electrical and Communications Association
New Zealand Electrical Institute
Research Institute for Sustainable Energy
Sustainable Energy Authority, Victoria
University of New South Wales

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We also welcome suggestions for improvement in our Standards, and especially encourage readers to notify us immediately of any apparent inaccuracies or ambiguities. Contact us via email at mail@standards.org.au, or write to the Chief Executive, Standards Australia, GPO Box 5420, Sydney, NSW 2001.

This Standard was issued in draft form for comment as DR 04341.

Australian Standard™

**Grid connection of energy systems via
inverters**

Part 2: Inverter requirements

Originated as AS 4777.2—2002.
Second edition 2005.

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PREFACE

This Standard was prepared by the Australian members of the Joint Standards Australia/Standards New Zealand Committee EL-042, Renewable Energy Power Supply Systems and Equipment and is based on requirements developed by a group of utility, photovoltaic and inverter industry experts coming together under the auspices of the Energy Networks Association. After consultation with stakeholders in both countries, Standards Australia and Standards New Zealand decided to develop this Standard as an Australian, rather than an Australian/New Zealand Standard. This Standard replaces AS 4777.2—2002 on publication.

The objective of this Standard is to provide regulators, electricity distributors and manufacturers with the requirements and tests for inverters intended for the injection of electric power through an electrical installation to the electricity distribution network.

It is Part 2 of AS 4777, *Grid connection of energy systems via inverters* which is published in parts as follows:

AS 4777.1 Part 1: Installation requirements

AS 4777.2 Part 2: Inverter requirements (this Standard)

AS 4777.3 Part 3: Grid protection requirements

This Standard has been revised to—

- (a) simplify requirements for EMC;
- (b) clarify harmonic limits;
- (c) clarify test parameters and tolerances; and
- (d) resolve some issues found as a result of application of the Standard.

This Standard was developed with the assistance of the following organisations—

- (i) Australian Greenhouse Office;
- (ii) Research Institute for Sustainable Energy, Murdoch University; and
- (iii) University of New South Wales.

The term ‘normative’ has been used in this Standard to define the application of the appendix to which it applies. A ‘normative’ appendix is an integral part of a Standard.

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STANDARDS AUSTRALIA

Australian Standard
Grid connection of energy systems via inverters

Part 2: Inverter requirements

1 SCOPE

This Standard specifies the requirements for inverters, with ratings up to 10 kVA for single-phase units or up to 30 kVA for three-phase units, for the injection of electric power through an electrical installation to the electricity distribution network.

NOTES:

- 1 Although this Standard does not apply to larger systems, similar principles can be used for the design of such systems.
- 2 Although this Standard is written on the basis that the renewable energy is from a d.c. source (e.g. photovoltaic array), this Standard may be used for systems where the energy is from a variable a.c. source (e.g. wind turbine or micro-hydro system) by appropriate changes to the tests.
- 3 This Standard does not include EMC requirements. These are mandated by the Australian Communications Authority (ACA). Users attention is drawn to Australian Communication Authority's document '*Electromagnetic Compatibility—Information for suppliers of electrical and electronic products in Australia and New Zealand*' for guidance.

2 NORMATIVE REFERENCES

The following normative documents contain provisions which, through reference in this text, constitute provisions of this Standard.

AS

4777 Grid connection of energy systems via inverters
4777.3 Part 3: Grid protection requirements

60038 Standard voltages

AS/NZS

3100 Approval and test specification—General requirements for electrical equipment

60950 Information technology equipment—Safety

60950.1 Part 1: General requirements

61000 Electromagnetic compatibility (EMC)

61000.3.3 Part 3.3: Limits—Limitation of voltage fluctuations and flicker in public low-voltage supply systems, for equipment with rated current less than or equal to 16 A per phase and not subject to conditional connection

61000.3.5 Part 3.5: Limits—Limitation of voltage fluctuations and flicker in low-voltage power supply systems for equipment with rated current greater than 16 A

IEC

60255 Electrical relays

60255-5 Part 5: Insulation coordination for measuring relays and protection equipment—Requirements and tests

ACA Electromagnetic Compatibility—Information for suppliers of electrical and electronic products in Australia and New Zealand

3 DEFINITIONS

For the purpose of this Standard, the following definitions apply.

3.1 Electricity distribution network

The portion of an electrical system that is operated by an electrical distributor.

3.2 Grid

An alternative term for an electricity distribution network.

3.3 Grid protection device

A device complying with the requirements of AS 4777.3.

3.4 Inverter

A device that uses semiconductor devices to transfer power between a d.c. source or load and an a.c. source or load.

NOTE: This Standard is written on the basis that the renewable energy is from a d.c. source (e.g. photovoltaic array), but the energy may be from a variable a.c. source (e.g. wind turbine or micro-hydro system) and hence, for the purposes of this Standard, a.c. to a.c. converters that use semiconductor devices are considered to be inverters, as the requirements in this Standard are applicable to such systems.

3.5 Inverter energy system

A system comprising one or more inverters together with one or more energy sources (which may include batteries for energy storage), controls and one or more grid protection devices.

3.6 Islanding

Any situation where the electrical supply from an electricity distribution network is disrupted and one or more inverters maintains any form of electrical supply, be it stable or not, to any section of that electricity distribution network.

3.7 Nominal grid voltage

The definitions of AS 60038 shall apply.

3.8 Ripple control

A means of one-way communication based on transmitting electrical signals over an electricity distribution network.

3.9 Uninterruptible power supply (UPS) system

A power system comprising inverters, switches, control circuitry and a means of energy storage (e.g. batteries) for maintaining continuity of electrical supply to a load in the case of a disruption of power supply from an electricity distribution network.

4 INVERTER REQUIREMENTS

4.1 General

The inverter shall comply with the appropriate electrical safety requirements of AS/NZS 3100.

NOTE: AS/NZS 3100 allows that if an individual Standard dealing with specific features of the design, construction and testing of any particular class or type of equipment is issued, it supersedes the general requirements of AS/NZS 3100 that are specifically dealt with in that individual Standard.

4.2 Compatibility with electrical installation

The inverter shall have a.c. voltage and frequency ratings compatible with AS 60038.

NOTE: The nominal voltage at the point of supply is 230 V a.c. single phase line-to-neutral and 400 V a.c. three phase line-to-line with a tolerance of +10% -6% and a frequency of 50 Hz.

4.3 Power flow direction

Power flow between the energy source and the grid may be in either direction.

4.4 Power factor

The power factor of the inverter, considered as a load from the perspective of the grid, shall be in the range from 0.8 leading to 0.95 lagging for all output from 20% to 100% of rated output. These limits shall not apply if the inverter is approved by the relevant electricity distributor to control power factor outside this range for the purpose of providing voltage support.

Compliance shall be determined by type testing in accordance with the power factor test described in Appendix A.

NOTE: Lagging power factor is defined to be when reactive power flows from the grid to the inverter; that is, when the inverter acts as an inductive load from the perspective of the grid.

4.5 Harmonic currents

The harmonic currents of the inverter shall not exceed the limits specified in Tables 1 and 2 and the total harmonic distortion (THD) (to the 50th harmonic) shall be less than 5%. Compliance shall be determined by type testing in accordance with the harmonic current limit test specified in Appendix B.

NOTE: The inverter should not significantly radiate or sink frequencies used for ripple control by the local electrical distributor. The distributor should be consulted to determine which frequencies are used.

TABLE 1
ODD HARMONIC CURRENT LIMITS

Odd harmonic order number	Limit for each individual odd harmonic based on percentage of fundamental
3, 5, 7 and 9	4%
11, 13 and 15	2%
17, 19 and 21	1.5%
23, 25, 27, 29, 31 and 33	0.6%

TABLE 2
EVEN HARMONIC CURRENT LIMITS

Even harmonic order number	Limit for each individual even harmonic based on percentage of fundamental
2, 4, 6 and 8	1%
10 – 32	0.5%

NOTE: The harmonic limits in Tables 1 and 2 are based on those in IEEE 929-2000 *IEEE Recommended Practice for Utility Interface of Photovoltaic (PV) Systems*.

4.6 Voltage fluctuations and flicker

The inverter shall conform to the voltage fluctuation and flicker limits as per AS/NZS 61000.3.3 for equipment rated less than or equal to 16 A per phase and AS/NZS 61000.3.5 for equipment rated greater than 16 A per phase. Compliance shall be determined by type testing in accordance with the appropriate Standard.

4.7 Impulse protection

The inverter shall withstand a standard lightning impulse of 0.5 J, 5 kV with a 1.2/50 waveform. Compliance shall be determined by type testing in accordance with the impulse voltage withstand test of IEC 60255-5.

4.8 Transient voltage limits

When type tested in accordance with the transient voltage limit test described in Appendix C, the voltage-duration curve derived from measurements taken at the a.c. terminals of the inverter shall not exceed the limits listed in Table 3.

NOTE: The voltage-duration limits listed in Table 3 are graphically illustrated in Figure 1.

TABLE 3
TRANSIENT VOLTAGE LIMITS

Duration Seconds	Instantaneous voltage	
	Line-to-neutral Volts	Line-to-line Volts
0.000 2	910	1 580
0.000 6	710	1 240
0.002	580	1 010
0.006	470	810
0.02	420	720
0.06	390	670
0.2	390	670
0.6	390	670

4.9 Direct current injection

In the case of a single-phase inverter, the d.c. output current of the inverter at the a.c. terminals shall not exceed 0.5% of its rated output current or 5 mA, whichever is the greater.

In the case of a three-phase inverter, the d.c. output current of the inverter at the a.c. terminals, measured between any two phases or between any phase and neutral, shall not exceed 0.5% of its rated per-phase output current or 5 mA, whichever is the greater.

If the inverter does not incorporate a mains frequency isolating transformer, it shall be type tested to ensure the d.c. output current at the a.c. terminals of the inverter is below the above limits at all power levels.

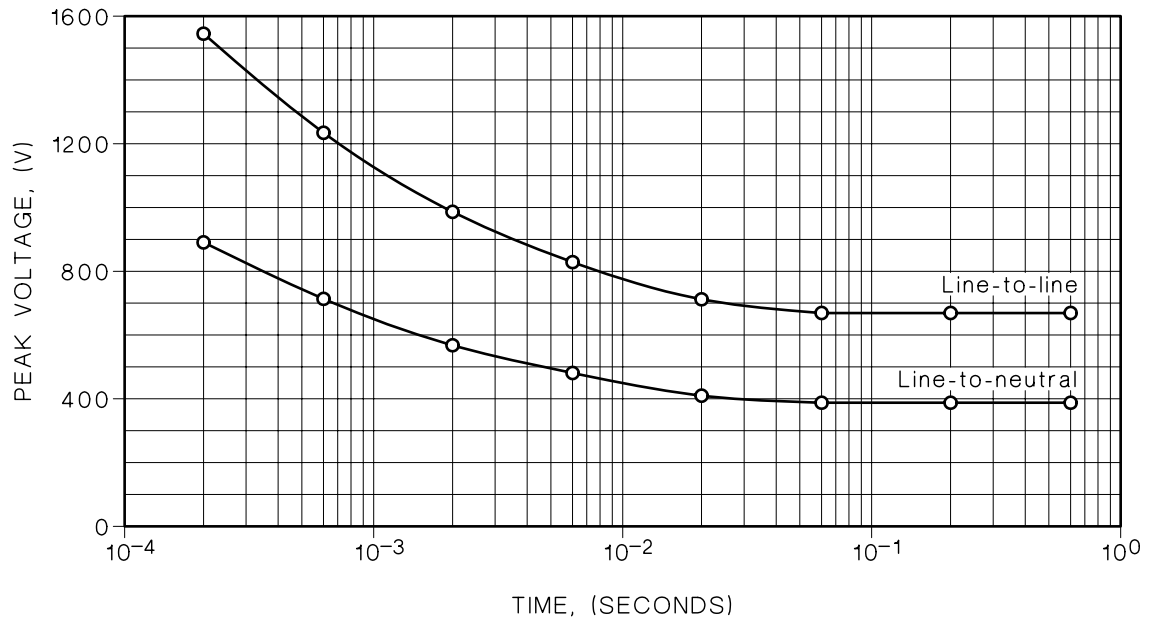


FIGURE 1 VOLTAGE-DURATION CURVE OF TRANSIENT VOLTAGE LIMITS

4.10 Data logging and communications devices

Any electronic data logging or communications equipment incorporated in the inverter should comply with the appropriate requirements of AS/NZS 60950.1. Particular attention is drawn to requirements for electrical insulation and creepage and clearance distances.

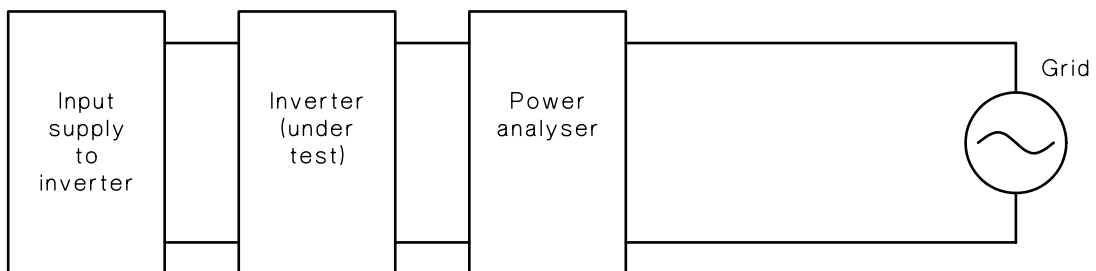
APPENDIX A
POWER FACTOR TEST
(Normative)

A1 TEST SPECIFICATIONS

The power factor test shall be carried out as follows:

- (a) The inverter shall be connected into a test circuit similar to that shown in Figure A1. The grid voltage shall equal the nominal voltage to within 5%.
- (b) The d.c. supply shall be varied until the a.c. output of the inverter, measured in volt-amperes, equals $(20 \pm 5)\%$ of its rated output.
- (c) The power factor of the inverter output shall be measured.
- (d) Steps (b) and (c) shall be repeated with the inverter operating at $(30 \pm 5)\%$, $(40 \pm 5)\%$, $(50 \pm 5)\%$, $(60 \pm 5)\%$, $(70 \pm 5)\%$, $(80 \pm 5)\%$, $(90 \pm 5)\%$ and $(100 \pm 5)\%$ of its rated output, measured in volt-amperes.

When subjected to the test described above, the power factor shall comply with the limits specified in Clause 4.4.



NOTE: This test circuit applies to a single-phase system. To test a three-phase system, an equivalent three-phase circuit is required.

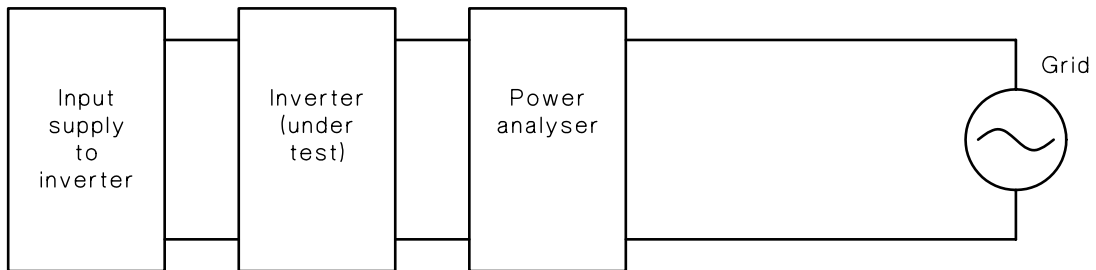
FIGURE A1 CIRCUIT FOR POWER FACTOR TEST

APPENDIX B
HARMONIC CURRENT LIMIT TEST
(Normative)

B1 TEST SPECIFICATIONS

The harmonic current limit test shall be carried out as follows:

- (a) The inverter shall be connected into a test circuit similar to that shown in Figure B1.
- (b) The d.c. supply shall be varied until the a.c. output of the inverter, measured in volt-amperes, lies in the range $(100 \pm 5)\%$ of its rated output.
- (c) The harmonic current content of the inverter output shall be measured.



NOTE: This test circuit applies to a single-phase system. To test a three-phase system, an equivalent three-phase circuit is required.

FIGURE B1 CIRCUIT FOR HARMONIC CURRENT LIMIT TEST OF A SINGLE-PHASE SYSTEM.

B2 HARMONIC CURRENT LIMITS

When the inverter is subjected to the test described in Clause B1 above, the harmonic currents of the inverter shall not exceed the limits specified in Table 1 and Table 2.

B3 SUPPLY SOURCE DURING HARMONIC TESTS

While the harmonic current measurements are being made, the test voltage at the a.c. terminals of the inverter shall meet the following requirements:

- (a) The test voltage shall be maintained at the nominal voltage $\pm 5\%$ at the discretion of the testing authority.
- (b) The test frequency shall be maintained at $(50 \pm 1)\text{Hz}$.
- (c) In the case of a three-phase supply, the angle between the fundamental voltages of each pair of phases shall be maintained at $(120 \pm 1.5)^\circ$.
- (d) The harmonic ratios of the test voltage shall not exceed the limits listed in Table B1.

TABLE B1
HARMONIC LIMITS OF TEST VOLTAGE

Harmonic order number	Limit based on percentage of fundamental
3	0.9%
5	0.4%
7	0.3%
9	0.2%
even harmonics 2–10	0.2%
11– 50	0.1%
Total harmonic distortion (to the 50th harmonic)	5%

APPENDIX C
TRANSIENT VOLTAGE LIMIT TEST
(Normative)

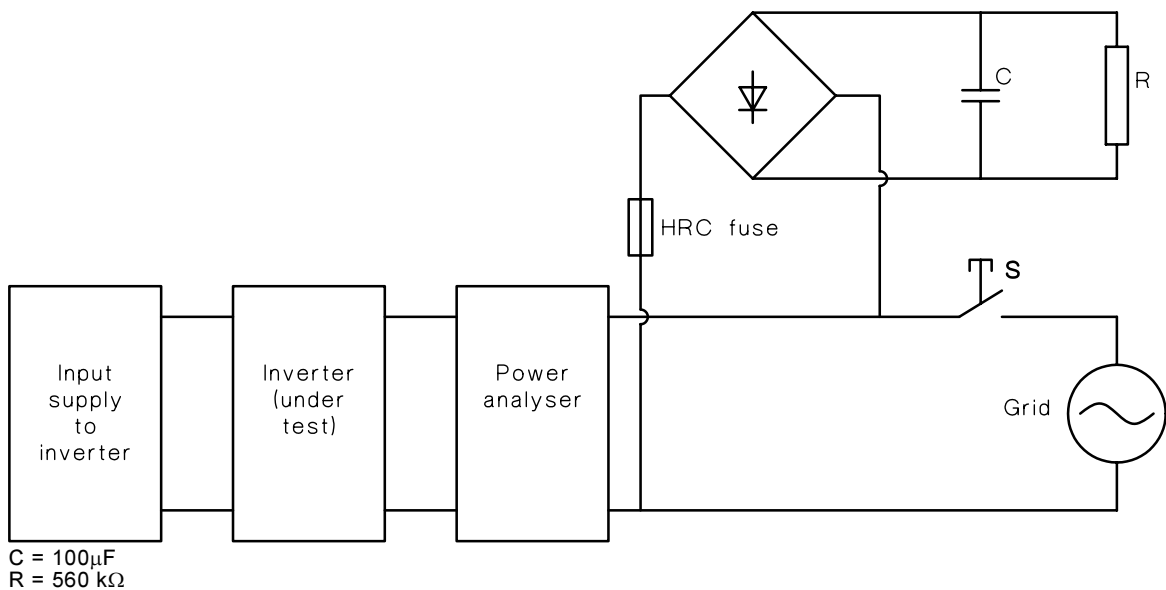
C1 GENERAL

To prevent damage to electrical equipment connected to the same circuit as the inverter, disconnection of the inverter from the electricity distribution network shall not result in transient overvoltages beyond the limits specified in Table 3.

C2 TEST SPECIFICATIONS

The transient voltage limit test shall be carried out as follows:

- (a) The inverter shall be placed in a test circuit similar to that shown in Figure C1.
- (b) The voltage at the a.c. terminals of the inverter before the switch is opened, shall be maintained at the nominal voltage $\pm 5\%$ at the discretion of the testing authority.
- (c) The d.c. supply shall be varied until the a.c. output of the inverter, measured in volt-amperes, equals $(10 \pm 5)\%$ of its rated output.
- (d) The switch S shall be opened.
- (e) The voltage across the a.c. terminals of the inverter shall be recorded at a sample frequency of at least 10 kHz. If the inverter has multiple sets of a.c. terminals, only the a.c. terminals used to connect the inverter to the test circuit (grid connection) shall be monitored.
- (f) Steps (b) to (e) shall be repeated with the inverter operating at $(50 \pm 5)\%$ and $(100 \pm 5)\%$ of its rated output, measured in volt-amperes.



NOTE: This test circuit applies to a single-phase system. To test a three-phase system, an equivalent three-phase circuit is required.

FIGURE C1 CIRCUIT FOR TRANSIENT VOLTAGE LIMIT TEST

C3 TRANSIENT VOLTAGE LIMITS

When subjected to the test described in Clause C2, the voltage-duration curve derived from the sampled a.c. voltage at the inverter terminals shall not exceed the limits specified in Table 3.

NOTE: A voltage-duration curve is calculated using the sampled instantaneous voltage over the complete trip time of the inverter. For each voltage (maximum voltage step 10 V), the number of samples greater than that voltage are counted. This number is then multiplied by the sample interval to derive a duration for that voltage. The voltage-duration curve is the locus of all points derived from this process. The inverter is deemed to comply with the transient voltage limit test if the derived voltage-duration curve lies beneath the appropriate curve of Figure 1 at all points.

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Standards Australia

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Australian Standards are prepared by committees of experts from industry, governments, consumers and other relevant sectors. The requirements or recommendations contained in published Standards are a consensus of the views of representative interests and also take account of comments received from other sources. They reflect the latest scientific and industry experience. Australian Standards are kept under continuous review after publication and are updated regularly to take account of changing technology.

International Involvement

Standards Australia is responsible for ensuring that the Australian viewpoint is considered in the formulation of international Standards and that the latest international experience is incorporated in national Standards. This role is vital in assisting local industry to compete in international markets. Standards Australia represents Australia at both ISO (The International Organization for Standardization) and the International Electrotechnical Commission (IEC).

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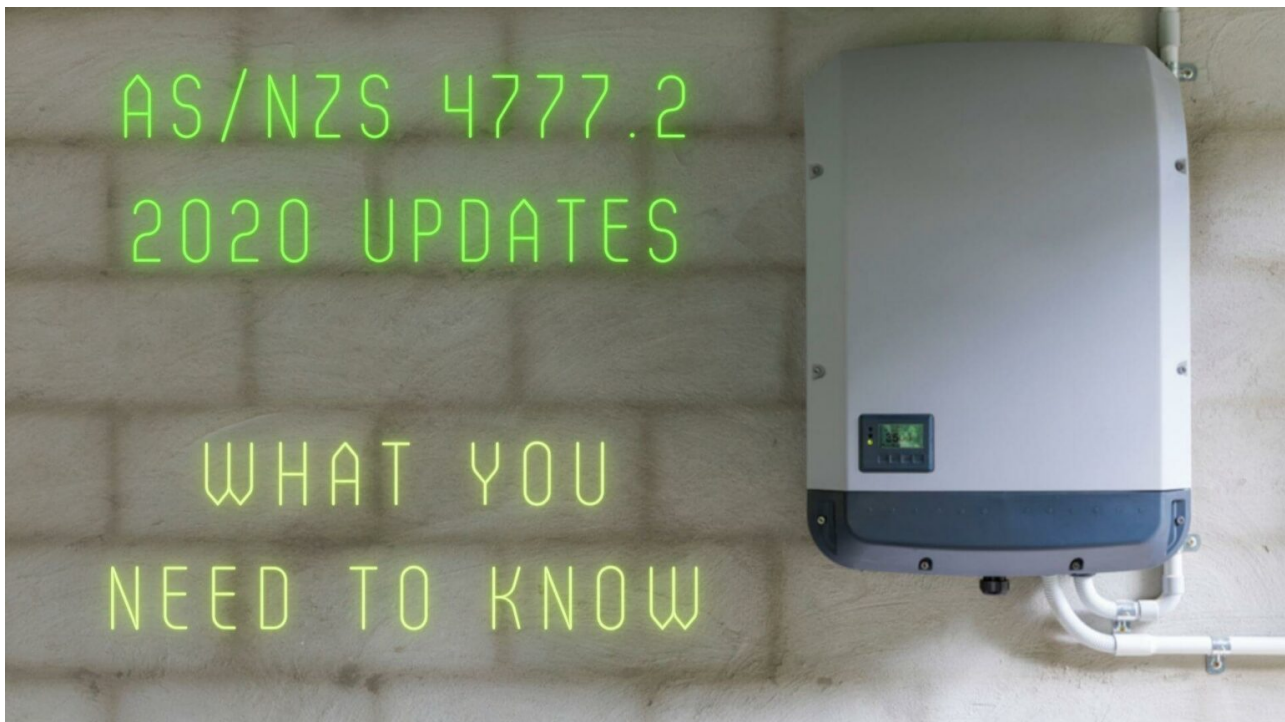
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Technical Articles

GSES communicates factual, up-to-date and evidence-based information for publication. This includes information on the issues surrounding DC circuit breakers, earthing fundamentals, how to sell solar, and information on isolator enclosures.

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AS/NZS 4777.2 2020 Updates – What You Need to Know



Posted on **March 17, 2021** by **GSES**

The 2020 updates to the inverter Standard *AS/NZS 4777.2 Grid connection of energy systems via inverters, Part 2: Inverter Requirements* is now available.

If you're a solar professional, you're probably familiar with the 2015 version of the Standard. In December 2020, the Standard was updated to reflect changing conditions in the industry. These changes could affect your business, so knowledge is key to minimise risk before transitioning to the updated version.

In **December 2021**, all new inverters in Australia and New Zealand will need to be certified to AS/NZS 4777.2:2020. We've gone through the updates ourselves and boiled it down to the key changes for you. The updated version of the Standard can be purchased from [Standards Australia](#) or [SAI Global](#).

What's new in the 2020 Inverter standard?

To begin with, the updated Standard is much longer than the previous version. It's now 143 pages, rather than 81. In addition, several old clauses have been rewritten or restructured, meaning the Standard has changed significantly.

Why are these changes necessary? In short, the revised Standard aims to address these key issues, which were not adequately addressed in the previous version:

- **Grid security concerns, specifically related to increased penetration of solar PV systems**
- **Grid connection requirements**
- **Inverter testing and test templates**
- **Energy storage**
- **Standalone power systems**
- **Electric vehicles**
- **Quality of life improvements**

The changes largely affect inverter manufacturers, as well as PV designers and installers in the commercial and industrial (C&I) space. Connection application managers, battery inverter and electric vehicle (EV) manufacturers, and those working on residential systems are also affected.

1. Grid Security/Power Quality in 4777.2 2020



Likely to affect: Inverter manufacturers, PV installers and designers (C&I), connection application managers, distribution network service providers (DNSPs)

The main goal of AS/NZS4777.2:2020 is to address grid security and power quality concerns. As nationwide solar capacity increases, network operators will struggle to keep grids stable. To address this, new requirements have been introduced for the power quality response modes and passive anti-islanding requirements of inverters.

Updated Inverter Setpoints:

- Volt-Var response mode (Clause 3.3.2)
- Volt-Watt response mode (Clause 3.3.2)
- Passive anti-islanding voltage limits (Clause 4.4)
- Passive anti-islanding frequency limits (Clause 4.4)
- Sustained operation limits for voltage variations (Clause 4.5.2)
- Sustained operation limits for frequency variations (Clause 4.5.3)

Why have these setpoints changed?:

1. To provide a staggered response to transmission-level events, so inverter systems can stay connected to the grid in these cases.

2. To adequately protect distribution networks from islanding.

These values are commonly referenced during C&I network applications and will need to satisfy AS/NZS 4777.2:2020 setpoints. Anyone managing connection applications will need to be aware of the updated values.

Inverter Manufacturers

Inverters installed in Australia and New Zealand from December 2021 will need to be capable of operating per these setpoints. Inverter manufacturers will need to ensure their inverters comply with the updated Standard prior to the transition date. **There is a chance that some inverters will become non-compliant if they cannot operate according to these setpoints, meaning they could not be legally installed in Australia or New Zealand until compliance is demonstrated.** PV designers & installers will need to ensure inverters in their systems will be compliant at the date of installation. The easiest method will be via the CEC's [Approved Inverters](#) list, which will be updated once AS/NZS 4777.2:2020 comes into full effect.

Setpoints are now defined by *region of installation*, as per the following categories:

- **Australia A:** For large interconnected power systems, e.g. all Australian networks other than those specified below
- **Australia B:** For small interconnected power systems, e.g. Western Power
- **Australia C:** For isolated or remote power systems e.g. Horizon Power and TasNetworks
- **New Zealand:** All systems in New Zealand

With network applications, there may be different setpoints required for different projects (depending on the locations of each). As the Standard does not explicitly define the difference between large and small interconnected systems, network operators (DNSPs) will decide which regions their networks fall under. As such, following the transition to AS/NZS 4777.2:2020, DNSP documentation (i.e. the connection agreement) should be checked to confirm the preferred setpoints for each network. **It is strongly recommended that system designers and connection application managers make themselves aware of all setpoint requirements prior to December 2021.**

Changes to Energy Storage, Standalone Systems, and Electric Vehicles in 4777.2:2020



Likely to affect: PV/battery designers and installers (all); Battery inverter and EV manufacturers

A significant effort has gone into future-proofing this Standard, with dozens of new references to energy storage, standalone systems, and electric vehicles being introduced.

The authors have clarified that this Standard applies to electric vehicles exporting energy to the grid. The Standard's definitions and references (Clauses 1.4 and 1.3 respectively) have been updated to accommodate this. Additionally, Clauses 2.3.1 and 2.3.3.2 now specify requirements around external connections for EVs. These will be an issue for EV system manufacturers and installers to address). The changes are likely to play a significant role in the future, as EVs become more prominent. PV/battery system designers will also need to be aware of the new requirements, as they may impact system design requirements in the future.

Stand Alone Power Systems (SAPS) in AS/NZS 4777.2 2020

A significant change is Section 2.4.2, which introduces new requirements for earth fault alarms on multimode inverters. According to this new clause,

“Where an inverter has a port for connecting a battery system installation that requires an alarm for monitoring of earth faults in conformance to AS/NZS 5139, the inverter

should provide an alarm. Where no alarm is provided in the inverter, the inverter documentation shall require the addition of an external alarm and monitoring device.”

This clause will have implications for multimode/battery inverter manufacturers and installers. Installers of these inverters should be aware of any fault alarm capabilities of the inverters they’re installing, as they will need to install an external alarm and monitoring device if not.



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GRID-CONNECTED BATTERIES OFF-GRID

3. Export/Generation Limitation



Likely to affect: PV designers and installers (all), connection application managers, distribution network service providers (DNSPs)

There are now formal definitions around generation and export limits of inverters. Both soft and hard limits are defined, and requirements for both are explored throughout the Standard.

Another concept that was already common in grid-connected projects, but was not formally defined in the Standard until now. This change is likely to have implications for systems with limits on export or generation, as these systems will now need to comply with the requirements introduced in Clauses 6.2 and 6.3 as a minimum.

For generation limit control (Clause 6.2), inverters will need to shut down within:

- 15 seconds if the soft limit is exceeded, OR
- 5 seconds if the hard limit is exceeded for at least 15 seconds continuously

For export limit control (Clause 6.3), inverters will need to shut down within:

1. 15 seconds if the soft limit exceeded, OR
2. 5 seconds if the hard limit is exceeded

These changes are likely to have a broad impact on the industry, as export limits on PV systems are becoming increasingly common. However, similar limits were already imposed on most generation and export-limited systems, so these updated definitions are likely to have limited effect. These are most likely to affect system designers and installers, as well as DNSPs and connection application managers. However, potential issues associated with these changes can be addressed by noting the requirements discussed above.

4. Installation and Documentation



Likely to affect: Inverter manufacturers

The new updates to AS4777.2 introduce new requirements around inverter marking and documentation. Many of these (e.g. marking requirements in Table 7.1) are minor, and reflect this standard's new emphasis on grid stability and energy storage. One major note is that several new ratings are required for inverters containing isolating devices, as per Clause 7.3.3. These will need to be addressed by inverter manufacturers, and could potentially cause inverters to become non-compliant if documentation is not updated to include these ratings.

There are also new requirements around firmware documentation in Clause 7.3.8, which states:

“The documentation shall provide instructions for viewing of the inverter firmware version and the selected regional settings and any variations to the default inverter settings in read-only mode. This is to prevent unauthorized modification of inverter settings. Documentation on the initial configuration and selection of regional settings and other settings at commissioning shall be provided to authorized persons. Restricted information on accessing and changing the regional settings, other settings and firmware after initial configuration shall be provided to authorized persons only.”

Inverter manufacturers & installers should consider this, as all relevant details will need to be supplied with the inverter itself.

5. General Changes



Likely to affect: PV designers, inverter manufacturers, connection application managers

Some changes will have ongoing implications for PV systems, but don't fall into the categories listed above. Below are some of the more interesting ones. Note that these are not likely to have significant impacts, but it is still valuable to be aware of them.

1. As per Clause 5.2, current imbalance on multiphase systems can now exceed 5kVA (21.7A) per phase for up to 15 seconds. This is only a minor change from the previous version of this requirement (which didn't have the 15-second limit). However, it may still have some implications during system design.
2. As per Clause 2.6, all inverters will need to be able to absorb or supply reactive power in line with power quality response modes (e.g. volt-var, volt-watt). This will need to be addressed by inverter manufacturers prior to the transition to the new version of the Standard.
3. In addition to the modification of existing settings, [Rate Of Change Of Frequency](#) (ROCOF) is now explicitly defined in AS/NZS 4777.2:2020 (Clause 4.5.6). This was a common restriction imposed by DNSPs during network applications, but until now has not been defined in the Standard itself. Now, the **withstand** limit for ROCOF is limited to $\pm 4\text{Hz/s}$ over a duration of 0.25s. This means that inverters will respond to network conditions **at or above** this value. This must be considered by system designers and those managing

network connection applications. Additionally, further limits may be imposed by DNSPs to ensure network stability.

Conclusion

The 2020 update to AS/NZS 4777.2 is significant, and will become mandatory in December 2021. This should ensure that distributed energy resources will better manage the grid during peak generation periods. PV industry professionals must become familiar with the changes to minimise the impact of the transition to AS/NZS 4777.2:2020.

In particular, the following groups are likely to be the most affected by the updates to the Standard:

- **Inverter manufacturers.** Inverter manufacturers are likely to be the most affected by the changes to AS/NZS4777.2. They will need to ensure that all inverters comply with all new power quality response mode and anti-islanding settings. Manufacturers can be affected by updated requirements around energy storage. And they will need to update system documentation to meet all new requirements.
- **PV/battery designers and installers:** Affected by similar issues as inverter manufacturers, with less affected by updated inverter documentation.
- **Connection application managers:** Affected in largely the same way as PV/battery designers.
- **Network operators (DNSPs):** Be aware of new requirements, and dictate the network type as per categories Australia A, Australia B, etc.



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Australian Standard™

**Grid connection of energy systems via
inverters**

Part 2: Inverter requirements

This Australian Standard was prepared by Committee EL-042, Renewable Energy Power Supply Systems and Equipment. It was approved on behalf of the Council of Standards Australia on 6 April 2005. This Standard was published on 20 May 2005.

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Alternative Technology Association
Australian Electrical and Electronic Manufacturers Association
Business Council for Sustainable Energy
Electrical Regulatory Authorities Council
Electrical Safety Organisation, New Zealand
Electricity Engineers Association, New Zealand
ElectroComms & Energy Utilities Industries Skills Council
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This Standard was issued in draft form for comment as DR 04341.

Australian Standard™

**Grid connection of energy systems via
inverters**

Part 2: Inverter requirements

Originated as AS 4777.2—2002.
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PREFACE

This Standard was prepared by the Australian members of the Joint Standards Australia/Standards New Zealand Committee EL-042, Renewable Energy Power Supply Systems and Equipment and is based on requirements developed by a group of utility, photovoltaic and inverter industry experts coming together under the auspices of the Energy Networks Association. After consultation with stakeholders in both countries, Standards Australia and Standards New Zealand decided to develop this Standard as an Australian, rather than an Australian/New Zealand Standard. This Standard replaces AS 4777.2—2002 on publication.

The objective of this Standard is to provide regulators, electricity distributors and manufacturers with the requirements and tests for inverters intended for the injection of electric power through an electrical installation to the electricity distribution network.

It is Part 2 of AS 4777, *Grid connection of energy systems via inverters* which is published in parts as follows:

AS 4777.1 Part 1: Installation requirements

AS 4777.2 Part 2: Inverter requirements (this Standard)

AS 4777.3 Part 3: Grid protection requirements

This Standard has been revised to—

- (a) simplify requirements for EMC;
- (b) clarify harmonic limits;
- (c) clarify test parameters and tolerances; and
- (d) resolve some issues found as a result of application of the Standard.

This Standard was developed with the assistance of the following organisations—

- (i) Australian Greenhouse Office;
- (ii) Research Institute for Sustainable Energy, Murdoch University; and
- (iii) University of New South Wales.

The term ‘normative’ has been used in this Standard to define the application of the appendix to which it applies. A ‘normative’ appendix is an integral part of a Standard.

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STANDARDS AUSTRALIA

Australian Standard

Grid connection of energy systems via inverters

Part 2: Inverter requirements

1 SCOPE

This Standard specifies the requirements for inverters, with ratings up to 10 kVA for single-phase units or up to 30 kVA for three-phase units, for the injection of electric power through an electrical installation to the electricity distribution network.

NOTES:

- 1 Although this Standard does not apply to larger systems, similar principles can be used for the design of such systems.
- 2 Although this Standard is written on the basis that the renewable energy is from a d.c. source (e.g. photovoltaic array), this Standard may be used for systems where the energy is from a variable a.c. source (e.g. wind turbine or micro-hydro system) by appropriate changes to the tests.
- 3 This Standard does not include EMC requirements. These are mandated by the Australian Communications Authority (ACA). Users attention is drawn to Australian Communication Authority's document '*Electromagnetic Compatibility—Information for suppliers of electrical and electronic products in Australia and New Zealand*' for guidance.

2 NORMATIVE REFERENCES

The following normative documents contain provisions which, through reference in this text, constitute provisions of this Standard.

AS

4777 Grid connection of energy systems via inverters
4777.3 Part 3: Grid protection requirements

60038 Standard voltages

AS/NZS

3100 Approval and test specification—General requirements for electrical equipment

60950 Information technology equipment—Safety

60950.1 Part 1: General requirements

61000 Electromagnetic compatibility (EMC)

61000.3.3 Part 3.3: Limits—Limitation of voltage fluctuations and flicker in public low-voltage supply systems, for equipment with rated current less than or equal to 16 A per phase and not subject to conditional connection

61000.3.5 Part 3.5: Limits—Limitation of voltage fluctuations and flicker in low-voltage power supply systems for equipment with rated current greater than 16 A

IEC

60255 Electrical relays

60255-5 Part 5: Insulation coordination for measuring relays and protection equipment—Requirements and tests

ACA Electromagnetic Compatibility—Information for suppliers of electrical and electronic products in Australia and New Zealand

3 DEFINITIONS

For the purpose of this Standard, the following definitions apply.

3.1 Electricity distribution network

The portion of an electrical system that is operated by an electrical distributor.

3.2 Grid

An alternative term for an electricity distribution network.

3.3 Grid protection device

A device complying with the requirements of AS 4777.3.

3.4 Inverter

A device that uses semiconductor devices to transfer power between a d.c. source or load and an a.c. source or load.

NOTE: This Standard is written on the basis that the renewable energy is from a d.c. source (e.g. photovoltaic array), but the energy may be from a variable a.c. source (e.g. wind turbine or micro-hydro system) and hence, for the purposes of this Standard, a.c. to a.c. converters that use semiconductor devices are considered to be inverters, as the requirements in this Standard are applicable to such systems.

3.5 Inverter energy system

A system comprising one or more inverters together with one or more energy sources (which may include batteries for energy storage), controls and one or more grid protection devices.

3.6 Islanding

Any situation where the electrical supply from an electricity distribution network is disrupted and one or more inverters maintains any form of electrical supply, be it stable or not, to any section of that electricity distribution network.

3.7 Nominal grid voltage

The definitions of AS 60038 shall apply.

3.8 Ripple control

A means of one-way communication based on transmitting electrical signals over an electricity distribution network.

3.9 Uninterruptible power supply (UPS) system

A power system comprising inverters, switches, control circuitry and a means of energy storage (e.g. batteries) for maintaining continuity of electrical supply to a load in the case of a disruption of power supply from an electricity distribution network.

4 INVERTER REQUIREMENTS

4.1 General

The inverter shall comply with the appropriate electrical safety requirements of AS/NZS 3100.

NOTE: AS/NZS 3100 allows that if an individual Standard dealing with specific features of the design, construction and testing of any particular class or type of equipment is issued, it supersedes the general requirements of AS/NZS 3100 that are specifically dealt with in that individual Standard.

4.2 Compatibility with electrical installation

The inverter shall have a.c. voltage and frequency ratings compatible with AS 60038.

NOTE: The nominal voltage at the point of supply is 230 V a.c. single phase line-to-neutral and 400 V a.c. three phase line-to-line with a tolerance of +10% -6% and a frequency of 50 Hz.

4.3 Power flow direction

Power flow between the energy source and the grid may be in either direction.

4.4 Power factor

The power factor of the inverter, considered as a load from the perspective of the grid, shall be in the range from 0.8 leading to 0.95 lagging for all output from 20% to 100% of rated output. These limits shall not apply if the inverter is approved by the relevant electricity distributor to control power factor outside this range for the purpose of providing voltage support.

Compliance shall be determined by type testing in accordance with the power factor test described in Appendix A.

NOTE: Lagging power factor is defined to be when reactive power flows from the grid to the inverter; that is, when the inverter acts as an inductive load from the perspective of the grid.

4.5 Harmonic currents

The harmonic currents of the inverter shall not exceed the limits specified in Tables 1 and 2 and the total harmonic distortion (THD) (to the 50th harmonic) shall be less than 5%. Compliance shall be determined by type testing in accordance with the harmonic current limit test specified in Appendix B.

NOTE: The inverter should not significantly radiate or sink frequencies used for ripple control by the local electrical distributor. The distributor should be consulted to determine which frequencies are used.

TABLE 1
ODD HARMONIC CURRENT LIMITS

Odd harmonic order number	Limit for each individual odd harmonic based on percentage of fundamental
3, 5, 7 and 9	4%
11, 13 and 15	2%
17, 19 and 21	1.5%
23, 25, 27, 29, 31 and 33	0.6%

TABLE 2
EVEN HARMONIC CURRENT LIMITS

Even harmonic order number	Limit for each individual even harmonic based on percentage of fundamental
2, 4, 6 and 8	1%
10 – 32	0.5%

NOTE: The harmonic limits in Tables 1 and 2 are based on those in IEEE 929-2000 *IEEE Recommended Practice for Utility Interface of Photovoltaic (PV) Systems*.

4.6 Voltage fluctuations and flicker

The inverter shall conform to the voltage fluctuation and flicker limits as per AS/NZS 61000.3.3 for equipment rated less than or equal to 16 A per phase and AS/NZS 61000.3.5 for equipment rated greater than 16 A per phase. Compliance shall be determined by type testing in accordance with the appropriate Standard.

4.7 Impulse protection

The inverter shall withstand a standard lightning impulse of 0.5 J, 5 kV with a 1.2/50 waveform. Compliance shall be determined by type testing in accordance with the impulse voltage withstand test of IEC 60255-5.

4.8 Transient voltage limits

When type tested in accordance with the transient voltage limit test described in Appendix C, the voltage-duration curve derived from measurements taken at the a.c. terminals of the inverter shall not exceed the limits listed in Table 3.

NOTE: The voltage-duration limits listed in Table 3 are graphically illustrated in Figure 1.

TABLE 3
TRANSIENT VOLTAGE LIMITS

Duration Seconds	Instantaneous voltage	
	Line-to-neutral Volts	Line-to-line Volts
0.000 2	910	1 580
0.000 6	710	1 240
0.002	580	1 010
0.006	470	810
0.02	420	720
0.06	390	670
0.2	390	670
0.6	390	670

4.9 Direct current injection

In the case of a single-phase inverter, the d.c. output current of the inverter at the a.c. terminals shall not exceed 0.5% of its rated output current or 5 mA, whichever is the greater.

In the case of a three-phase inverter, the d.c. output current of the inverter at the a.c. terminals, measured between any two phases or between any phase and neutral, shall not exceed 0.5% of its rated per-phase output current or 5 mA, whichever is the greater.

If the inverter does not incorporate a mains frequency isolating transformer, it shall be type tested to ensure the d.c. output current at the a.c. terminals of the inverter is below the above limits at all power levels.

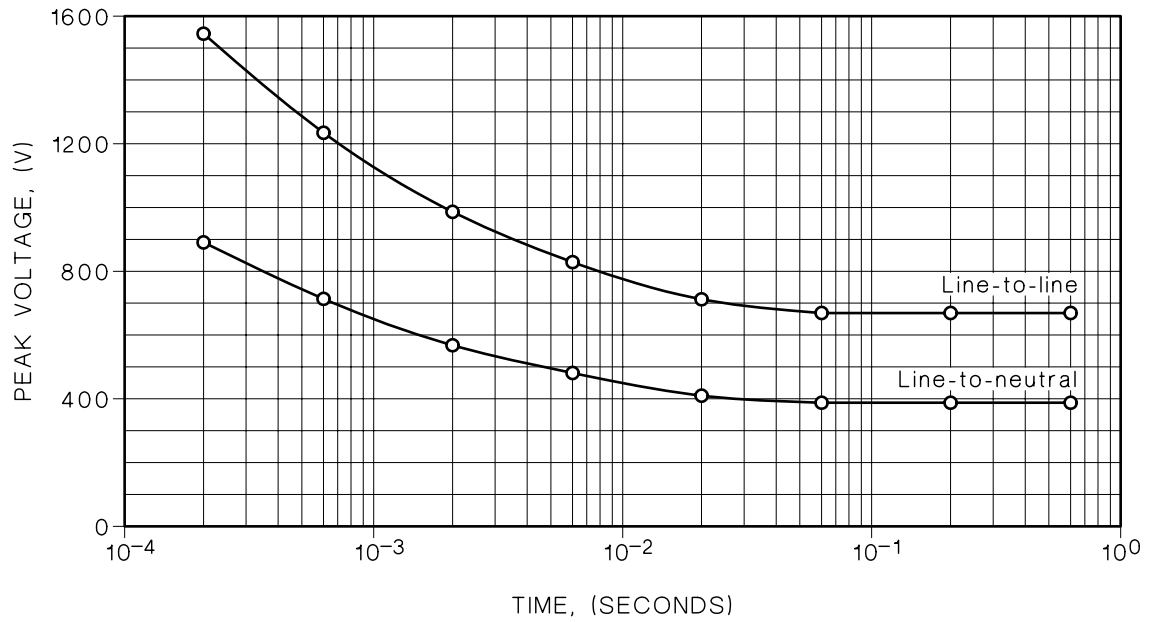


FIGURE 1 VOLTAGE-DURATION CURVE OF TRANSIENT VOLTAGE LIMITS

4.10 Data logging and communications devices

Any electronic data logging or communications equipment incorporated in the inverter should comply with the appropriate requirements of AS/NZS 60950.1. Particular attention is drawn to requirements for electrical insulation and creepage and clearance distances.

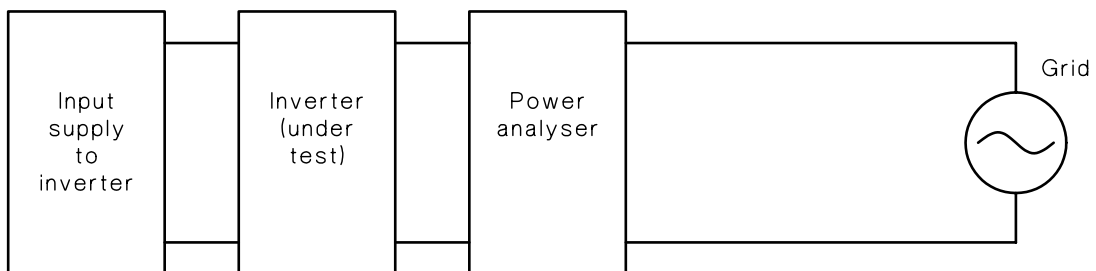
APPENDIX A
POWER FACTOR TEST
(Normative)

A1 TEST SPECIFICATIONS

The power factor test shall be carried out as follows:

- (a) The inverter shall be connected into a test circuit similar to that shown in Figure A1. The grid voltage shall equal the nominal voltage to within 5%.
- (b) The d.c. supply shall be varied until the a.c. output of the inverter, measured in volt-amperes, equals $(20 \pm 5)\%$ of its rated output.
- (c) The power factor of the inverter output shall be measured.
- (d) Steps (b) and (c) shall be repeated with the inverter operating at $(30 \pm 5)\%$, $(40 \pm 5)\%$, $(50 \pm 5)\%$, $(60 \pm 5)\%$, $(70 \pm 5)\%$, $(80 \pm 5)\%$, $(90 \pm 5)\%$ and $(100 \pm 5)\%$ of its rated output, measured in volt-amperes.

When subjected to the test described above, the power factor shall comply with the limits specified in Clause 4.4.



NOTE: This test circuit applies to a single-phase system. To test a three-phase system, an equivalent three-phase circuit is required.

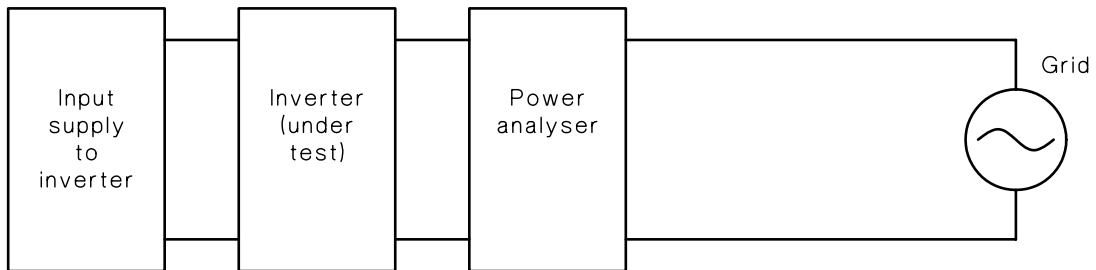
FIGURE A1 CIRCUIT FOR POWER FACTOR TEST

APPENDIX B
HARMONIC CURRENT LIMIT TEST
(Normative)

B1 TEST SPECIFICATIONS

The harmonic current limit test shall be carried out as follows:

- (a) The inverter shall be connected into a test circuit similar to that shown in Figure B1.
- (b) The d.c. supply shall be varied until the a.c. output of the inverter, measured in volt-amperes, lies in the range $(100 \pm 5)\%$ of its rated output.
- (c) The harmonic current content of the inverter output shall be measured.



NOTE: This test circuit applies to a single-phase system. To test a three-phase system, an equivalent three-phase circuit is required.

FIGURE B1 CIRCUIT FOR HARMONIC CURRENT LIMIT TEST OF A SINGLE-PHASE SYSTEM.

B2 HARMONIC CURRENT LIMITS

When the inverter is subjected to the test described in Clause B1 above, the harmonic currents of the inverter shall not exceed the limits specified in Table 1 and Table 2.

B3 SUPPLY SOURCE DURING HARMONIC TESTS

While the harmonic current measurements are being made, the test voltage at the a.c. terminals of the inverter shall meet the following requirements:

- (a) The test voltage shall be maintained at the nominal voltage $\pm 5\%$ at the discretion of the testing authority.
- (b) The test frequency shall be maintained at $(50 \pm 1)\text{Hz}$.
- (c) In the case of a three-phase supply, the angle between the fundamental voltages of each pair of phases shall be maintained at $(120 \pm 1.5)^\circ$.
- (d) The harmonic ratios of the test voltage shall not exceed the limits listed in Table B1.

TABLE B1
HARMONIC LIMITS OF TEST VOLTAGE

Harmonic order number	Limit based on percentage of fundamental
3	0.9%
5	0.4%
7	0.3%
9	0.2%
even harmonics 2–10	0.2%
11– 50	0.1%
Total harmonic distortion (to the 50th harmonic)	5%

APPENDIX C
TRANSIENT VOLTAGE LIMIT TEST
(Normative)

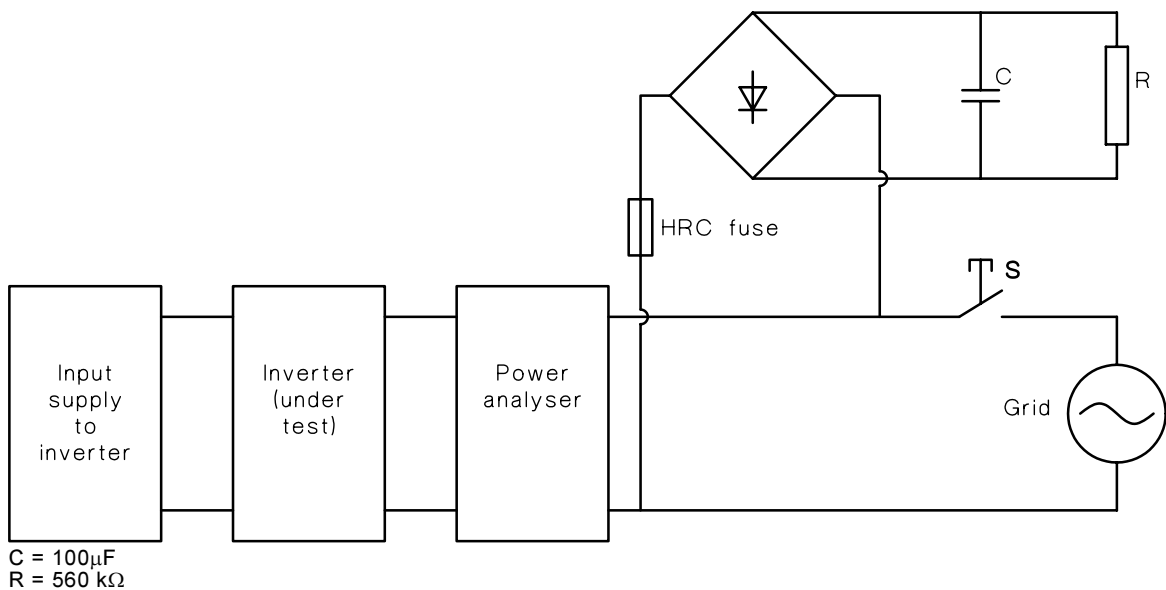
C1 GENERAL

To prevent damage to electrical equipment connected to the same circuit as the inverter, disconnection of the inverter from the electricity distribution network shall not result in transient overvoltages beyond the limits specified in Table 3.

C2 TEST SPECIFICATIONS

The transient voltage limit test shall be carried out as follows:

- (a) The inverter shall be placed in a test circuit similar to that shown in Figure C1.
- (b) The voltage at the a.c. terminals of the inverter before the switch is opened, shall be maintained at the nominal voltage $\pm 5\%$ at the discretion of the testing authority.
- (c) The d.c. supply shall be varied until the a.c. output of the inverter, measured in volt-amperes, equals $(10 \pm 5)\%$ of its rated output.
- (d) The switch S shall be opened.
- (e) The voltage across the a.c. terminals of the inverter shall be recorded at a sample frequency of at least 10 kHz. If the inverter has multiple sets of a.c. terminals, only the a.c. terminals used to connect the inverter to the test circuit (grid connection) shall be monitored.
- (f) Steps (b) to (e) shall be repeated with the inverter operating at $(50 \pm 5)\%$ and $(100 \pm 5)\%$ of its rated output, measured in volt-amperes.



NOTE: This test circuit applies to a single-phase system. To test a three-phase system, an equivalent three-phase circuit is required.

FIGURE C1 CIRCUIT FOR TRANSIENT VOLTAGE LIMIT TEST

C3 TRANSIENT VOLTAGE LIMITS

When subjected to the test described in Clause C2, the voltage-duration curve derived from the sampled a.c. voltage at the inverter terminals shall not exceed the limits specified in Table 3.

NOTE: A voltage-duration curve is calculated using the sampled instantaneous voltage over the complete trip time of the inverter. For each voltage (maximum voltage step 10 V), the number of samples greater than that voltage are counted. This number is then multiplied by the sample interval to derive a duration for that voltage. The voltage-duration curve is the locus of all points derived from this process. The inverter is deemed to comply with the transient voltage limit test if the derived voltage-duration curve lies beneath the appropriate curve of Figure 1 at all points.

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NOTES

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